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TRANSCRIPTS OF EIGHT RECORDED PRESIDENTIAL CONVERSATIONS

HEARINGS

BEFORE THE

COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

H. Res. 803

A RESOLUTION AUTHORIZING AND DIRECTING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE HOUSE OF REPRESENTATIVES TO EXERCISE ITS CONSTITUTIONAL POWER TO IMPEACH

RICHARD M. NIXON

PRESIDENT OF THE UNITED STATES OF AMERICA

MAY–JUNE 1974

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Foreword

By Hon. Peter W. Rodino, Jr., Chairman, Committee on the Judiciary

On April 30, 1974, President Nixon released to the public, White House edited transcripts of eight of his recorded conversations with his counsel, John Dean. This document contains the Committee on the Judiciary transcripts of these same conversations.

Briefly, the tape recordings of these conversations came into the possession of the Committee on the Judiciary as follows:

On February 25, 1974, acting under authority granted by the Committee on the Judiciary, the ranking minority member and I directed John Doar, special counsel to the committee, and Albert E. Jenner, Jr., special counsel to the minority, to send a letter to James St. Clair, special counsel to the President, requesting tape recordings, transcripts and other materials previously furnished to the Watergate Special Prosecution Force by the President.

On March 6, Mr. St. Clair announced in open court before Judge John Sirica that the President had agreed to supply to the committee those materials previously furnished to the special prosecutor, including copies of tape recording and transcripts of the following eight Presidential conversations:

1. A portion of the conversation between the President and Messrs. Haldeman and Dean on September 15, 1972.

2. A conversation between the President and Mr. Dean on February 28, 1973, from 9:12 to 10:23 a.m.

3. A conversation between the President and Mr. Dean on March 13, 1973, from 12:42 to 2 p.m.

4. A conversation between the President and Messrs. Haldeman and Dean on March 21, 1973, from 10:12 to 11:55 a.m.

5. A conversation between the President and Messrs. Haldeman, Ehrlichman, and Dean on March 21, 1973, from 5:20 to 6:01 p.m.

6. A conversation between the President and Messrs. Haldeman, Ehrlichman, Mitchell, and Dean on March 22, 1973, from 1:57 to 4:43 p.m.

7. A conversation between the President and Mr. Dean on April 16, 1973, from 10 to 10:40 a.m.

8. A conversation between the President and Mr. Dean on April 16, 1973, from 4:07 to 4:35 p.m.

Between March 8 and March 15, the committee received tape recordings and transcripts of these eight conversations from the White House. Subsequently, on March 26, the committee received from the June 5, 1972, District of Columbia grand jury materials which included copies of tape recordings and transcripts of these eight conversations.

Under the committee's rules of confidentiality, only the chairman, the ranking minority member, and designated members of the inquiry staff were permitted to listen to these tape recordings before they were played to the full committee. Congressman Hutchinson and I listened to each tape recording and supervised on a day-to-day basis the staff's preparation of transcripts to accompany the recorded presentation to the committee.

The inquiry staff was directed to obtain the best possible tape recordings from which to prepare its transcripts. The staff took its own equipment to the Executive Office Building and made new copies of the tape recordings which were in the possession of the White House. The original recordings were in the possession of Judge Sirica. With his authorization, and under the supervision of the Court and representatives of the Special Prosecutor and the White House, copies of these original recordings were also made.

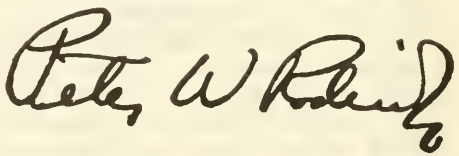
The committee believes that it has been able to obtain tape recordings which are of better quality than those furnished to the committee by either the White House or the grand jury. The originals of these recordings play at 15/16 of an inch per second, which is slower than the speed required by the high-quality playback equipment which was used by the inquiry staff. By producing copies which play at 3¾ inches per second, we were able to prepare transcripts from recordings of near-original quality.

On April 11, 1974, the committee subpenaed from President Nixon recordings of 42 additional Presidential conversations. On April 29, in response to the subpena, President Nixon announced that he would submit to the committee edited transcripts of conversations, but not the tape recordings themselves. On April 30, President Nixon delivered to the committee and made available to the public edited transcripts of selected Presidential conversations, including the eight conversations contained in this document.

The eight transcripts reprinted herein are part of the statement of information and supporting evidence presented by the impeachment inquiry staff to the committee during hearings held in executive session from May 9 to June 21, 1974. On June 25, the committee voted to release to the public the statement of information and supporting evidence.

The transcripts are reprinted here substantially as they were presented to the committee. In a few instances, ranking minority member Mr. Hutchinson, and I have determined, pursuant to authority granted us by the committee, to delete irrelevant material which was considered to be defamatory, degrading or embarrassing.

Since President Nixon has chosen to present the White House edited version of these eight conversations to the public, the committee has concluded that it will publish the following transcripts in one document as a partial record of its proceedings.



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TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A RECORDING OF A MEETING AMONG THE PRESIDENT, H. R. HALDEMAN, AND JOHN DEAN ON SEPTEMBER 15, 1972

PRESIDENT. [Unintelligible]

HALDEMAN. John, he is one of the quiet guys that gets a lot done. That was a good move, too, bringing Dean in. But it's—

PRESIDENT. Yeah.

HALDEMAN. It— He'll never, he'll never gain any ground for us. He's just not that kind of guy. But, he's the kind that enables other people to gain ground while he's making sure that you don't fall through the holes.

PRESIDENT. Oh. You mean—

HALDEMAN. Between times, he's doing, he's moving ruthlessly on the investigation of McGovern people, Kennedy stuff, and all that too. I just don't know how much progress he's making, 'cause I—

PRESIDENT. The problem is that's kind of hard to find.

HALDEMAN. Chuck, Chuck has gone through, you know, has worked on the list, and Dean's working the, the thing through IRS and, uh, in some cases, I think, some other [unintelligible] things. He's—He turned out to be tougher than I thought he would, which is what

PRESIDENT. Yeah.

HALDEMAN. is—

PRESIDENT. You put anybody else that you want to run in in the morning, you can. [Unintelligible] I'm going to stick around here for awhile. I don't think I can do this finance group in the morning. I think it's too quick after the Watergate. Let's do it next Monday or Tuesday. That ought to be about it.

HALDEMAN. Let me check and see.

PRESIDENT. You know who he's, uh [unintelligible]

HALDEMAN. There isn't, I don't think, anything pending, but I'll check.

PRESIDENT. You know, we ought to get something together. Shriver's put out his financial statement now, too. While you're at it, I'd deliberately raise mine other than in [unintelligible]

HALDEMAN. Oh yeah, we're pushing that hard. The Vice President was delighted with that.

PRESIDENT. Did he get the point?

HALDEMAN. Yeah absolutely.

PRESIDENT. [Unintelligible]. Now we want—in that regard, I don't think he [unintelligible] wife, did she?

HALDEMAN. I don't know, but I would guess his wife probably doesn't have any and so it won't make any difference.

PRESIDENT. Make any dif—she might.

HALDEMAN. She must.

PRESIDENT. Make him report it.

HALDEMAN. But this Shriver one, we—

PRESIDENT. The Shriver one, the—Yeah. She'll have to report [unintelligible] to the organization [unintelligible] trust.

HALDEMAN. Yeah, it's all in trust. She only has about twenty thousand dollars. Kennedy put his stocks up, tried for the trust to put, you know, what it was worth.

[Dean enters room]

PRESIDENT. Hi, how are you?

DEAN. Yes sir.

PRESIDENT. Well, you had quite a day today, didn't you? You got, uh, Watergate, uh, on the way, huh?

DEAN. Quite a three months.

HALDEMAN. How did it all end up?

DEAN. Uh, I think we can say "Well" at this point. The, uh, the press is playing it just as we expect.

HALDEMAN. Whitewash?

DEAN. No, not yet; the, the story right now—

PRESIDENT. It's a big story.

DEAN. Yeah.

PRESIDENT. [Unintelligible]

HALDEMAN. Five indicted,

DEAN. Plus,

HALDEMAN. They're building up the fact that one of—

DEAN. plus two White House aides.

HALDEMAN. Plus, plus the White House former guy and all that. That's good. That, that takes the edge off whitewash really—which—that was the thing Mitchell kept saying that,

PRESIDENT. Yeah.

HALDEMAN. that to those in the country, Liddy and, and, uh, Hunt are big men.

DEAN. That's right.

PRESIDENT. Yeah. They're White House aides.

DEAN. That's right.

HALDEMAN. And maybe that—Yeah, maybe that's good.

PRESIDENT. How did MacGregor handle himself?

DEAN. I think very well. He had a good statement. Uh, he said that the, uh, the Grand Jury indictment speaks for itself and that, uh, it's now time to realize that some apologies may be due.

HALDEMAN. Fat chance [Laughs]

DEAN. Yeah. [Unintelligible]

PRESIDENT. We couldn't do that [unintelligible] just remember all the trouble they gave us on this. We'll have a chance to get back at them one day. How are you doing on your other investigations? Your—How does this [unintelligible]

DEAN. [Unintelligible] end of the, uh—

HALDEMAN. What's happened on the bug?

PRESIDENT. Hard, hard to find—on the what?

HALDEMAN. The bug.

DEAN. The second bug. There was another bug found in the phone of, uh, the first—

PRESIDENT. You don't think it was one left over from the previous job?

DEAN. We're—Absolutely not. The, the Bureau has, uh, checked and re-checked. The man who checked the phone first said that his first check was thorough and it was not there in the instrument [clears throat] and that indeed it had to be planted after—

PRESIDENT. What the hell do you think is involved? What's your guess?

DEAN. I think the DNC planted it, quite clearly.

PRESIDENT. You think they did it?

DEAN. Uh huh.

PRESIDENT. Deliberately?

DEAN. [Unintelligible]

PRESIDENT. Well, what in the name of Christ—who do they think—that anybody was—They really [unintelligible] want to believe that we planted that?

HALDEMAN. Did they get anything on the finger prints?

DEAN. No they [unintelligible]

HALDEMAN. There weren't any?

DEAN. neither on the telephone or on the, uh, on the bug. The, uh, well, the FBI has unleashed a full blast investigation over at the DNC starting with O'Brien right now.

HALDEMAN. [Laughs] Using the same crews now that they have nothing to do in Washington.

DEAN. [Unintelligible] the same Washington Field Office.

PRESIDENT. What are they doing? Asking them what kind of questions?

DEAN. Anything that they can think of because what happened. O'Brien has charged the Bureau with failing to, uh, find all the, all the bugs, whenever [unintelligible]

HALDEMAN. Good, that'll make them mad.

DEAN. So, so, Gray is pissed now and his people are kind of pissed off. So they're moving in because their reputation's on the line. That's, uh, do you think that's a good development?

PRESIDENT. I think that's a good development because it makes it look so God damned phony, doesn't it? The whole—

DEAN. Absolutely.

PRESIDENT. Or am I wrong?

DEAN. No, no sir. It, it—
PRESIDENT. —looks silly.
DEAN. If we can, if we can find that the DNC planted that, the whole story is going to—the whole—just will reverse.
PRESIDENT. But how could they, how could you possibly find it, though?
DEAN. Well, there's a way. They're, they're trying to ascertain who made the bug.
PRESIDENT. Oh.
DEAN. If they—It's a custom-made product.
PRESIDENT. Oh.
DEAN. If they can get back to the man who manufactured it, then they can find out who he sold it to, and how it came down through the chain.
PRESIDENT. Boy, you know, you never know. When those guys get after it, they can find it. They—
DEAN. The resources that have been put against this whole investigation to date are really incredible. It's truly a, it's truly a larger investigation than was conducted against, uh, the after inquiry of the JFK assassination.
PRESIDENT. Oh.
DEAN. And good statistics supporting that. Kleindienst is going to have a—
HALDEMAN. Isn't that ridiculous though?
PRESIDENT. What is?
HALDEMAN. This silly ass damn thing.
PRESIDENT. Yeah.
HALDEMAN. That kind of resources against—
PRESIDENT. Yeah for Christ's sake [unintelligible]
HALDEMAN. Who the hell cares?
PRESIDENT. Goldwater put it in context, he said "Well, for Christ's sake, everybody bugs everybody else. We know that."[1]
DEAN. That was, that was priceless.
HALDEMAN. Yeah. I bugged—
PRESIDENT Well, it's true. It happens to be totally true.
DEAN. [Unintelligible]
PRESIDENT. We were bugged in '68 on the plane and bugged in '62, uh, even running for Governor. God damnedest thing you ever saw.
DEAN. It was a shame that, that, evidence to the fact that that happened in '68 was never preserved around. I understand that only the former Director had that information.
HALDEMAN. No, that's not true.
DEAN. There was direct evidence of it?
PRESIDENT. Yeah.
HALDEMAN. There's others who have that information.
PRESIDENT. Others know it.
DEAN. DeLoach?

[1] The quotation marks used in these transcripts are for convenience and do not indicate verbatim quotation by the speaker.

PRESIDENT. DeLoach, right.

HALDEMAN. I've got some stuff on it, too, in the bombing halt study. 'Cause it's all—that's why, the, the stuff I've got we don't—

PRESIDENT. The difficulty with using it, of course, is that it reflects on Johnson.

DEAN. Right.

PRESIDENT. He ordered it. If it weren't for that, I'd use it. Is there any way we could use it without reflecting on Johnson? How—Now, could we say, could we say that the Democratic National Committee did it? No, the FBI did the bugging, though.

HALDEMAN. That's the problem.

DEAN. Is it going to reflect on Johnson or Humphrey?

HALDEMAN. Johnson. Humphrey didn't do it.

DEAN. Humphrey didn't do it?

PRESIDENT. Oh, hell no.

HALDEMAN. He was bugging Humphrey, too. [Laughs]

PRESIDENT. Oh, God damn.

HALDEMAN. [Laughs.]

PRESIDENT. Well, on the other hand, maybe, uh—I'll tell you who to call. I want you to ask Connally. Whatever he thinks, maybe we ought to just, just let that one fly. I mean, I don't think he will, I don't think he will [unintelligible] Johnson. [Unintelligble] And also it reflects on the Bureau. [Unintelligible]

DEAN. [Unintelligible]

PRESIDENT. They, they, they hate to admit that—

HALDEMAN. It's a rough one on them with, with all this stuff about they don't do Congressmen, and all that

PRESIDENT. That's right.

HALDEMAN. sort of stuff [unintelligible]

PRESIDENT. I—

HALDEMAN. do a presidential [unintelligible]

PRESIDENT. It isn't worth it. It isn't worth it, damn it. It isn't worth—the hell with it. What is the situation on your, uh, on the, on the little red box? Did they find what the hell that, that is? Have they found the box yet?

DEAN. Gray has never had access to the box. He is now going to pursue the box. I spoke with him just, just about, uh, oh, thirty minutes ago and Pat said, "I don't know about the box. Uh, don't know where it is now. We never had an opportunity before, when it was, first, uh, released in the press there was a box, to go in. But," he said, "I think we have grounds now to go in and find out what it's all about."

HALDEMAN. The last public story was that she handed it over to Edward Bennett Williams.

DEAN. That's right.

PRESIDENT. Perhaps the Bureau ought to go over—

HALDEMAN. The Bureau ought to go into Edward Bennett Williams and let's start questioning that son-of-a-bitch. Keep him tied up for a couple of weeks.

PRESIDENT. Yeah, I hope they do. They—The Bureau better get over pretty quick and get that red box. We want it cleared up. [Unintelligible]

DEAN. That's exactly the way I, I gave it to Gray. I, uh, uh—

PRESIDENT. We want it cleared up. We want to get to the bottom of it. If anybody is guilty over here we want to know.

HALDEMAN. [Unintelligible] in the news. [Laughs]

DEAN. Another interesting thing that's developed is, regarding the private litigation we've got is, uh, the Stans' libel action was assigned to Judge Richey.

PRESIDENT. Oh, Christ.

DEAN. Well, now, that's good and bad. Uh, Judge Richey is not known to be one of the intellects on the bench. That's conceded by many that he is uh, uh—

PRESIDENT. [Unintelligible] in his own stupid way he's sort of, uh—

DEAN. Well, he's been thoroughly candid in his dealing with people about the case. He's made several entrees, uh, off the bench, to, to, uh, (1) to Kleindienst; (2) to, uh, his old friend Roemer McPhee, to keep Roemer abreast of what his thinking is. He told Roemer he thought that Maury ought to file a libel action.

PRESIDENT. Did he?

DEAN. [Laughs]

PRESIDENT. Good.

DEAN. Uh—

HALDEMAN. Well, can he deal with that case concurrently with the other case?

DEAN. Yeah. The, the fact that the, the civil case came to a halt, that the depositions were halted and he—

HALDEMAN. —opened his calendar for a few days.

DEAN. Well, it did that, and more than that. He had been talking to Silbert, and Silbert, uh, the U.S. Attorney down here, the Assistant U.S. Attorney was saying, "We are going to have a hell of a time drawing these indictments up because of the fact these civil depositions keep coming out and the Grand Jury's got one eye on this civil case because they don't want to get themselves caught, uh, coming out with indictments and the civil case'll do something differently, so—

UNIDENTIFIED. Would you like to take Clark now, sir?

HALDEMAN. MacGregor's call?

PRESIDENT. Yeah. Go ahead.

DEAN. So, based, based on that, uh, uh, when Silbert had told Richey this and had a casual encounter—in fact, uh, it was just in the hall—Richey, the next thing he does is he stops the civil case so Silbert can get the indictment down.

[Telephone rings.]

PRESIDENT. Hm.

DEAN. So it's, it's, uh—he's got, he's got the abuse of process suit also. [Unintelligible]

PRESIDENT. Yeah. Hello.
Well you still alive?
Yeah, yeah.
I was just sitting here with John Dean and he tells me that, uh, that you, that you're going to probably be sued or some damn thing, I don't know.

DEAN or HALDEMAN. Oh, God. Now don't say that.

PRESIDENT. Did you put that last bug in?
Yeah. [Unintelligible] suit.
[Unintelligible]. Yeah.
Yeah.
That's right, that's right. [Unintelligible]
Yeah.
Good.
Sure.
Well, I'll tell you, uh, just don't let this keep you or your colleagues from concentrating on the big game. Yeah, that's right. I mean this, uh, this, this thing is just, uh, you know, one of those side issues and a month later everybody looks back and wonders what the hell the shouting was about.
Yeah. Yeah.
Okay, well, anyway get a good night's sleep. And don't don't bug anybody without asking me. Okay?
Yeah. Thank you.
Always.
Okay.
[Pause.]

DEAN. Three months ago I would have had trouble predicting where we'd be today. I think that I can say that fifty-four days from now that, uh, not a thing will come crashing down to our, our surprise.

PRESIDENT. Say what?

DEAN. Nothing is going to come crashing down to our surprise, either—

PRESIDENT. Well, the whole thing is a can of worms. As you know, a lot of this stuff went on. And, uh, and, uh, and the people who worked [unintelligible] awfully embarrassing. And, uh, and, the, uh, but the, but the way you, you've handled it, it seems to me, has been very skillful, because you—putting your fingers in the dikes every time that leaks have sprung here and sprung there. [Unintelligible] having people straighten the [unintelligible]. The Grand Jury is dismissed now?

DEAN. That is correct. They'll, they will have completed and they will let them go, so there will be no continued investigation prompted by the Grand Jury's inquiry. The, uh, GAO report that was referred over to Justice is on a shelf right now because they have hundreds of violations. They've got violations of McGovern's; they've got violations of Humphrey's; they've got Jackson violations, and several hundred Congressional violations. They don't want to start prosecuting one any more than they want the other. So that's, uh—

PRESIDENT. They damn well not prosecute us unless they prosecute all the others.

DEAN. That's right. That's right. Well, we are really talking about technical violations that were referred over also.

PRESIDENT. Sure. Sure. What about, uh, uh, watching the McGovern contributors and all that sort of thing?

DEAN. We've got a, we've got a hawk's eye on that.

PRESIDENT. Yeah.

DEAN. And, uh, uh, he is, he is not in full compliance.

PRESIDENT. He isn't?

DEAN. No.

PRESIDENT. Well, now, he has his three hundred committees; have they all reported yet? Have we—we reported ours.

DEAN. Yes we—Well, we have a couple of delinquent state committees out, uh—

PRESIDENT. [Unintelligible] if it's done, huh,

DEAN. If they—

PRESIDENT. [Unintelligible] paper committees all reported, the three hundred or so committees he's supposed to have.

DEAN. No, they have not.

PRESIDENT. Can we say something about that, or have we?

DEAN. Well, one of the things that he has not done, is he has never disclosed the fact that he's got some three-hundred committees. This has been a Wall Street Journal piece that picked it up and carried it and, uh—

PRESIDENT. [Unintelligible] say that publicly?

DEAN. No, he hasn't. And it's been employed as a tax sham that he set it up for. And—It is hard to comprehend why he set up three hundred committees, frankly. Uh, he doesn't need that many, he doesn't have that sort of large contributors, where they have to disburse small [unintelligible]

HALDEMAN. Unless someone's giving nine hundred thousand dollars.

DEAN. That's right.

PRESIDENT. Which could be very possible.

HALDEMAN. He may be getting nine hundred thousand dollars from somebody.

PRESIDENT. From two or three. He may have some big angels. I don't think he is getting a hell of a lot of small money. I don't think so. I don't believe this crap. I mean if he—Have you had your Post Office check yet?

HALDEMAN. That John was going to do. I don't know.

PRESIDENT. That's an interesting thing to check.

HALDEMAN. Yeah.

PRESIDENT. You know how little [unintelligible]

DEAN. [Unintelligible] is right, because as I see it, now, the only problems that, uh, that we have are, are the human problems and we'll keep a close eye on that.

PRESIDENT. Union?

DEAN. Human.

PRESIDENT. Oh.

DEAN. [Unintelligible]

HALDEMAN. People—Human frailties, where people fall apart.

DEAN. Human frailties—people getting annoyed and some finger-pointing and false accusations, and any internal dissension of that nature.

PRESIDENT. You mean on this case?

DEAN. On this case. Uh, there is some bitterness between, for example, the Finance Committee and the Political Committee. They feel that they're taking all the heat, and, and, uh, all the people upstairs are bad people and they're not being recognized.

PRESIDENT. Ridiculous.

DEAN. It is—I mean—

PRESIDENT. They're all in it together.

DEAN. That's right.

PRESIDENT. They should just, uh, just behave and, and, recognize this, this is, again, this is war. We're getting a few shots. It'll be over. Don't worry. [Unintelligible] I shots. It'll be over. Don't worry. [Unintelligible]. I wouldn't want to be on the other side right now. Would you? I wouldn't want to be in Edward Bennet Williams', Williams' position after this election.

DEAN. No. No.

PRESIDENT. None of these bastards—

DEAN. He, uh, he's done some rather unethical things that have come to light already, which in—again, Richey has brought to our attention.

PRESIDENT. Yeah.

DEAN. He went down—

HALDEMAN. Keep a log on all that.

DEAN. Oh, we are, on these. Yeah.

PRESIDENT. Yeah.

HALDEMAN. Because afterwards that is a guy,

PRESIDENT. We're going after him.

HALDEMAN. that is a guy we've got to ruin.

DEAN. He had, he had an ex parte—

PRESIDENT. You want to remember, too, he's an attorney for the Washington Post.

DEAN. I'm well aware of that.

PRESIDENT. I think we are going to fix the son-of-a-bitch. Believe me. We are going to. We've got to, because he's a bad man.

DEAN. Absolutely.

PRESIDENT. He misbehaved very badly in the Hoffa matter. Our—some pretty bad conduct, there, too, but go ahead.

DEAN. Well, that's, uh, along that line, uh, one of the things I've tried to do, is just keep notes on a lot of the people who are emerging as,

PRESIDENT. That's right.

DEAN. as less than our friends.

PRESIDENT. Great.

DEAN. Because this is going to be over some day and they're—We shouldn't forget the way some of them have treated us.

PRESIDENT. I want the most, I want the most comprehensive notes on all of those that have tried to do us in. Because they didn't have to do it.

DEAN. That's right.

PRESIDENT. They didn't have to do it. I mean, if the thing had been a clo—uh, they had a very close election everybody on the other side would understand this game. But now they are doing this quite deliberately and they are asking for it and they are going to get it. And this, this—We, we have not used the power in this first four years, as you know.

DEAN. That's right.

PRESIDENT. We have never used it. We haven't used the Bureau and we haven't used the Justice Department, but things are going to change now. And they're going to change, and, and they're going to get it right—

DEAN. That's an exciting prospect.

PRESIDENT. It's got to be done. It's the only thing to do.

HALDEMAN. We've got to.

PRESIDENT. Oh, oh, well, we've just been, we've been just God damn fools. For us to come into this election campaign and not do anything with regard to the Democratic Senators who are running, and so forth. [Characterizations deleted] That'd be ridiculous. Absolutely ridiculous. It's not going, going to be that way any more, and, uh—

HALDEMAN. Really, it's ironic, you know, because we've gone to such extremes to do every—You know, you, you and your damn regulations with—

PRESIDENT. Right.

HALDEMAN. Everybody worries about,

PRESIDENT. That's right.

HALDEMAN. about picking up a hotel bill or anything.

DEAN. Well, I think, we can, I think, I think we can be proud of the White House staff. It really has,

PRESIDENT. That's right.

DEAN. had no problems of that—

PRESIDENT. Well, that's right.

DEAN. And they're looking, this GAO audit that's going on right now, uh, I think that they have got some suspicion, uh, in even a cursory investigation, which is not going to discover anything, that they're going to find something here. I learned today, incidentally, that, that, uh, I haven't confirmed this because it's—came from the GO, GAO auditor, investigator who's down here, that he is down here at the Speaker of the House's request, which surprised me.

HALDEMAN. Well, God damn the Speaker of the House. Maybe we better put a little heat on him.

PRESIDENT. I think so too.

HALDEMAN. Because he's got a lot worse problems than he's going to find down here.

DEAN. That's right.

PRESIDENT. I know.

HALDEMAN. That's the kind of thing—

PRESIDENT. [Unintelligible] let the police department [unintelligible]

HALDEMAN. That's the kind of thing that, you know, you—What we really ought to do is call the Speaker and say, "I regret to see you ordering GAO down here because of what it's going to cause us to require to do to you."

PRESIDENT. Why don't you just have Harlow go see him and tell him that?

HALDEMAN. Because he wouldn't do it.

PRESIDENT. Hm?

HALDEMAN. 'Cause he wouldn't do it.

PRESIDENT. Harlow wouldn't do it, you mean.

HALDEMAN. Harlow would say, "Mr. Speaker—"

PRESIDENT. Yeah.

DEAN. I, I suppose the other area we are going to some publicity on in the coming weeks because, uh, I think after the, now that the indictments are down, there's going to be a cresting on that. The whitewash charge of course, but, uh, I think we can handle that while the civil case is in abeyance. But Patman's hearings, uh, his Banking and Currency Committee, and we've got to—whether we will be successful or not in turning that off, I don't know. We've got a plan whereby Rothblatt and Bittman, who are counsel for the five men who were, or actually a total of seven, that were indicted today, are going to go up and visit every member and say, "If you commence hearings you are going to jeopardize the civil rights of these individuals in the worst way, and they'll never get a fair trial," and the like, and try to talk to members on, on that level. Uh—

PRESIDENT. Why not ask that they request to be heard by, by the Committee and explain it publicly?

DEAN. How could they—They've planned that what they're going to say is, "If you do commence with these hearings, we plan to publicly come up and say what you're doing to the rights of individuals." Something to that effect.

PRESIDENT. As a matter of fact they could even make a motion in court to get the thing dismissed.

DEAN. That's another thing we're doing is to, is

PRESIDENT. Because these hearings—

DEAN. bring an injunctive action against, uh, the appearance, say—

HALDEMAN. Well, going the other way, the dismissal of the, of the, of the indictment—

PRESIDENT. How about trying to get the criminal cases, criminal charges dismissed on the grounds that there, well, you know—

HALDEMAN. The civil rights type stuff.

DEAN. Civil rights—Well that, we're working again, we've got somebody approaching the ACLU for these guys, and have them go up and exert some pressure because we just don't want Stans up there in front of the cameras with Patman and Patman asking all these questions. It's just going to be the whole thing, the press going over and over and over again. Uh, one suggestion was that Connally is, is close to Patman and probably if anybody could talk turkey to Patman, uh, Connally might be able to. Now I don't know if that's, uh, a good idea or not. I don't think he—don't know if he can. Uh, Gerry Ford is not really taking an active interest in this matter that, that is developing, so Stans can go see Gerry Ford and try to brief him and explain to him the problems he's got. And then the other thing we are going to do is we're looking at all the campaign reports of every member of that Committee because we are convinced that none of them have probably totally complied with the law either. And if they want to get into it, if they want to play rough, some day we better say, "Well, gentlemen, we think we ought to call to your attention that you haven't complied A, B, C, D, E, and F, and we're not going to hold that a secret if you start talking campaign violations here."

PRESIDENT. Uh, what about Ford? Do you think so? [Unintelligible] do anything with Patman? Connally can't be sent up there.

HALDEMAN. [Unintelligible]

PRESIDENT. Connally

DEAN. If anybody can do it—

PRESIDENT. [Unintelligible] Patman.

DEAN. But if, if Ford can get the minority members, uh, together on that one, it's going to be a lot—

PRESIDENT. They've got very weak man in Widnall, unfortunately. Heckler is all right.

HALDEMAN. Heckler was great.

DEAN. She was great, with, uh—

PRESIDENT. That's what I understand, but you see, Widnall—let's take somebody—Gerry could talk to him. Put it down, uh, Gerry should talk to Widnall and, uh, just brace him, tell him I thought it was [unintelligible] start behaving. Not let him be the chairman of the Committee in the House. That's what you want?

DEAN. That would be very helpful, to get our minority side at least together on the thing.

PRESIDENT. Gerry has really got to lead on this. He's got to be really be [unintelligible]

HALDEMAN. Gerry should, damn it. This is exactly the thing he was talking about, that the reason they are staying in is so that they can

PRESIDENT. That's right.

HALDEMAN. run investigations.

PRESIDENT. Well, the point is that they ought to raise hell about this, uh, this—these hearings are jeopardizing the—I don't know that they're, that the, the, the counsel calling on the members of the Committee will do much good. I was, I—it may be all right but—I was thinking that they really ought to blunderbuss in the public arena. It ought to be publicized.

DEAN. Right.

HALDEMAN. Good.

DEAN. Right.

PRESIDENT. That's what this is, public relations.

DEAN. That's, that's all it is, particularly if Patman pulls the strings off, uh—That's the last forum that, uh, uh, it looks like it could be a problem where you just have the least control the way it stands right now. Kennedy has also suggested he may call hearings of his Administrative Practices and Procedure Subcommittee. Uh, as, as this case has been all along, you can spin out horribles that, uh, you, you can conceive of, and so we just don't do that. I stopped doing that about, uh, two months ago.

PRESIDENT. Yeah.

DEAN. We just take one at a time and you deal with it based on—

PRESIDENT. And you really can't just sit and worry yourself

DEAN. No.

PRESIDENT. about it all the time, thinking, "The worst may happen," but it may not. So you just try to button it up as well as you can and hope for the best. And,

DEAN. Well if Bob—

PRESIDENT. and remember that basically the damn thing is just one of those unfortunate things and, we're trying to cut our losses.

DEAN. Well, certainly that's right and certainly it had no effect on you. That's the, the good thing.

HALDEMAN. It really hasn't.

PRESIDENT. [Unintelligible.]

HALDEMAN. No, it hasn't. It has been kept away from the White House almost completely and from the President totally. The only tie to the White House has been the Colson effort they keep trying to haul in.

DEAN. And now, of course,

HALDEMAN. That's falling apart.

DEAN. the two former White House people, low level, indicted, one consultant and one member of the Domestic Council staff. That's not very much of a tie.

HALDEMAN. No.

PRESIDENT. Well, their names have been already mentioned.

DEAN. Oh, they've been—

PRESIDENT. Voluminous accounts.

HALDEMAN. And it's, it's been discounted—

PRESIDENT. You know, they've already been convicted in the press.

DEAN. Absolutely.

HALDEMAN. Yep.

PRESIDENT. God damn it, if they'd been communists you'd have the Washington Post and the New York Times raising hell about their civil rights.

DEAN. That's right.

PRESIDENT. Or Manson.

DEAN. That's right.

PRESIDENT. Jesus Christ. If they'd been killers, wouldn't—

DEAN. That's right

PRESIDENT. Isn't that true?

DEAN. It's absolutely true.

PRESIDENT. These poor bastards are—well they've been—they've got no way they can ever—In fact, they ought to move the, uh, move the trial away from the—

DEAN. Well, there has been extensive clipping by the counsel in this case, and I've gone through some of these clippings and it's just phenomenal the, uh,

PRESIDENT. Yeah.

DEAN. the amount of coverage this case is getting. They may never get a fair trial, may never get a fair trial. They may never get a jury that can convict them or pull it together. And the Post, as you know, has got a, a, a real large team that they've assigned to do nothing but this,

PRESIDENT. Sure.

DEAN. this case. Couldn't believe they put Maury Stans' story about his libel suit, which was just playing so heavily on the networks last night, and in the evening news, they put it way back on about page eight of the Post.

PRESIDENT. Sure.
DEAN. and didn't even cover it as a—in total.
PRESIDENT. I expect that. That's all right. We've [unintelligible]
HALDEMAN. The Post is—
PRESIDENT. The Post has asked—it's going to have its problems.
HALDEMAN. [Unintelligible]
DEAN. The networks, the networks are good with Maury coming back three days in a row and—
PRESIDENT. That's right. Right. The main thing is the Post is going to have damnable, damnable problems out of this one. They have a television station
DEAN. That's right, they do.
PRESIDENT. and they're going to have to get it renewed.
HALDEMAN. They've got a radio station, too.
PRESIDENT. Does that come up too? The point is, when does it come up?
DEAN. I don't know. But the practice of non-licensees filing on top of licensees has certainly gotten more,
PRESIDENT. That's right.
DEAN. more active in the, in the area.
PRESIDENT. And it's going to be God damn active here.
DEAN. [Laughs]
PRESIDENT. Well, the game has to be played awfully rough. I don't know—Now, you, you'll follow through with—who will over there? Who—Timmons, or with Ford, or—How's it going to operate?
HALDEMAN. I'll talk to Bill. I think—Yeah.
DEAN. Dick Cook has been working
HALDEMAN OR PRESIDENT. [Unintelligible]
DEAN. on it.
HALDEMAN. Cook is the guy.
DEAN. Dick has been working on it.
PRESIDENT. Maybe Mitchell should—
HALDEMAN. Well, maybe Mitchell ought to—would, could Mitchell do it?
PRESIDENT. No.
DEAN. I don't really think that would be good.
PRESIDENT. No.
DEAN. I hate to draw him in.
PRESIDENT. Yeah.
DEAN. I think Maury can talk to Ford if that will do any good, but it won't have the same impact, of course, 'cause he's the one directly involved, but I think Maury ought to brief Ford at some point on, on exactly what his whole side of the story is.
HALDEMAN. I'll talk to Cook.
PRESIDENT. Oh, I—maybe Ehrlichman should talk to him. Ehrlichman understands the law, and the rest, and should say, "Now God damn it, get the hell over with this."
HALDEMAN. Is that a good idea? Maybe it is.

PRESIDENT. I think maybe that's the thing to do [unintelligible]. This is, this is big, big play. I'm getting into this thing. So that he—he's got to know that it comes from the top.

HALDEMAN. Yeah.

PRESIDENT. That's what he's got to know,

DEAN. Right.

PRESIDENT. and if he [unintelligible] and we're not going to—I can't talk to him myself—and that he's got to get at this and screw this thing up while he can, right?

DEAN. Well, if we let that slide up there with the Patman Committee it'd be just, you know, just a tragedy to let Patman have a field day up there.

PRESIDENT. What's the first move? When does he call his wit—, witnesses?

DEAN. Well, he, he has not even gotten the vote of his Committee; he hasn't convened his Committee yet on whether he can call hearings. That's why, come Monday morning, these attorneys are going to arrive, uh, on the doorstep of the Chairman and try to tell him what he's doing if he proceeds. Uh, one of the members, Garry Brown, uh, wrote Kleindienst a letter saying, "If the Chairman holds Committee hearings on this, isn't this going to jeopardize your criminal case?"

PRESIDENT. Brown's a smart fellow. He's from, he's from Michigan

DEAN. That's right.

PRESIDENT. and some tie into Ford. He's very, he's a very smart fellow. Good.

DEAN. Good lawyer and he's being helpful. He is anxious to help.

PRESIDENT. Right, just tell him that, tell, tell, tell Ehrlichman to get Brown in and Ford in and then they can all work out something. But, they ought to get off their asses and push it. No use to let Patman have a free ride here.

DEAN. Well, we can, we can keep them well briefed on moves if they'll, if they'll move when we provide them with the, the strategy. And we will have a raft of depositions going the other way soon. We, will be hauling the, the O'Briens in and the like, and uh, on our abuse of process suit.

PRESIDENT. What are you going to ask him? [Unintelligible] questions?

DEAN. No. This fellow, this fellow Rothblatt, who has started deposing, uh, he's quite a character. He's been getting into the sex life of some of the members of the DNC and—

PRESIDENT. Why? How can—What's his justification?

DEAN. Well, he's working on an entrapment theory that, uh, uh, they were hiding something or they had secret information, affairs to hide and they, they could, some way, conspire to bring this thing about themselves. It's a, it's a way-out theory that, uh, no one had [unintelligible]

HALDEMAN. [Laughs]

DEAN. Uh, and he, he had scheduled Patricia Harris and she didn't show up. She went to the beauty parlor instead so he went down to the Court House and she had, had been directed to show up and then the next day the Judge cut all the depositions off. But he had a host of wild questions including, you know, where O'Brien got his compensation when he was Chairman. Not that he knows anything about that, but, uh, it was just an interesting question he thought he might want to ask the, the Chairman under oath.

HALDEMAN. That's—It gives us, uh, the same hunting license that it gave them.

DEAN. That's right.

HALDEMAN. So we can play the same game they are playing, but we ought to be able to do better at it.

PRESIDENT. Well——

HALDEMAN. Are those depositions sealed?

DEAN. That's right.

HALDEMAN. They are?

DEAN. But that argues that, uh, they won't want them unsealed. They'll want them unsealed less than we will, and we may be arguing at some point to get them unsealed.

PRESIDENT. Yeah.

DEAN. I think what's going to happen on the civil case is the Judge is going to dismiss the pending complaint down there right now. They will then turn around and file a new complaint which will be [unintelligible] come back to Richey again. That, uh, that'll probably happen the twentieth, twenty-first, twenty-second. Then twenty days will run until any answers will have to be filed and these depositions will be commenced so we're, what, we're eating up an awful lot of time for those next fifty-four days.

HALDEMAN. On their side.

PRESIDENT. Why will they have to dismiss the present—

DEAN. Uh, probably on, on a dual ground, uh, both on the substantive ground that they haven't stated a good cause of action—that there is a improper class action filed and that O'Brien indeed doesn't represent any class. Uh, and he'll just dismiss it on the merits. It's not a good complaint. He's already shaved it down to almost nothing on his original order. They will then have to re-design it into a much narrower action, but the Judge himself can't suggest something to

counsel. But it's—you've got a good res judicata argument here. If he dismisses on the merits, uh, that they can't file another suit. They're out of the court totally.

HALDEMAN. But our suits do still hang?

DEAN. Our suits are still—We have two suits, and we have the abuse of process and

HALDEMAN. —the libel—

DEAN. the libel suit.

HALDEMAN. We can take depositions on both of those?

DEAN. Absolutely.

PRESIDENT. Hell yes.

HALDEMAN. [Laughs]

PRESIDENT. [Unintelligible] depositions.

DEAN. It's a, it's a glimmer down the road anyway, but, uh—

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A RECORDING OF A MEETING BETWEEN THE PRESIDENT AND JOHN DEAN ON FEBRUARY 28, 1973, FROM 9:12 TO 10:23 A.M.

DEAN. Good morning, sir.

PRESIDENT. Oh, hi.

DEAN. How are you?

PRESIDENT. Oh, I wanted to, uh, to speak with you about, uh, what, uh, kind of a line to test. Now, I want Kleindienst—this is not a question of trust. You have,

DEAN. [Clears throat]

PRESIDENT. you have it clearly understood that you will call him and give him directions and that he will call you, and so forth and so on. I just don't want Dick to go,

DEAN. No, I think—

PRESIDENT. go off—you see, for example, on executive privilege—I don't want him to go off and get the damn thing, uh, uh—get us—

DEAN. Make any deals on this thing—

PRESIDENT. Well, to make a deal—that's the point.

DEAN. Yeah.

PRESIDENT. That Baker, uh, as I said, was, uh, he was [unintelligible] you know, this and that and the other thing, and, and you've got to be very firm with these guys or you may not end up with anything. No, as I said, the only back-up position I can possibly see is one of a, uh, is Kleindienst wants to back [unintelligible] didn't want to but suggested we ought to back them heavily, send them up there in, in executive session. Well, now you haul them up there in executive session, we still got the problem of a, uh, of, uh, well, I feel that the [unintelligible] I, I'm thinking of that because it'll go [unintelligible] without any question

DEAN. Sure.

PRESIDENT. at that point, and that's going to be far more significant. This crap bothers us at the moment, but that's far more significant. And they'll haul him up there and bully-rag him around the damn place and it'll raise holy hell within our or his relations with Rogers and all the other people.

[Secretary enters.]

PRESIDENT. Yeah. Oh, uh, oh, I've sent some notes out, uh—I guess there's, uh, a couple of yellow pages—something that I was, uh, from that, file on the teachers' thing that I'm doing today.

SECRETARY. Yes, sir.

PRESIDENT. Get the yellow pages [unintelligible]. Might save money for the government.

SECRETARY. All right, sir.

PRESIDENT. Just send it back to me please.

[Secretary leaves.]

PRESIDENT. So you see, uh, I think you better have a good, hard face-to-face talk with him and say, "Look, we've thought this thing over," and, and, uh, you raise the point with him: it cannot be executive session because, you know, he's likely to float it out there and they'll grab him.

DEAN. That's right, and as I mentioned yesterday, he is meeting with Sam Ervin and Baker in this joint session and that probably is one of the first things that, uh—

PRESIDENT. Yeah.

DEAN. That they're—

PRESIDENT. That's the only thing they'll be there to discuss.

DEAN. It'll be—

PRESIDENT. The main thing

DEAN. That's right.

PRESIDENT. they'll be there to discuss—not only—the only—but the main thing Ervin is going to be, "Now what about executive privilege?" Now, he hasn't had that meeting set yet, though, has he?

DEAN. No, it's not. So there's ample time to have Dick go up, uh—

PRESIDENT. Well, you, uh, you, have a talk with him and say we talked about this and this is where we stand and this is where he is. Now your position, I mean, uh, of course, I know our position is written interrogatories, which they will never probably accept, but it may give us a position, I mean it'd be reasonable in the public mind.

DEAN. Correct.

PRESIDENT. That's what you have in mind.

DEAN. Right.

PRESIDENT. Now, the other possibility is, uh, is the one that, uh, Ehr—, Ehrlichman, I think suggested it. You could have, uh, uh, agree that, uh, the ranking, uh, the Chairman and the ranking member could, uh, question under basically the same—under very restricted—uh, a little bit early [unintelligible] for that.

DEAN. You mean, coming down here, say?

PRESIDENT. Basically,

DEAN. That's a—

PRESIDENT. that is the thinking.

DEAN. I think, I think that's a, uh, a sort of "if" we couldn't get inter—, written interrogatories. That's still a, a, a serious precedent to deal with, though, if they come down here and, uh, uh,

PRESIDENT. Yeah.

DEAN. start questioning people. I think the issues would have to be so narrowed for even that situation.

PRESIDENT. Yeah.

DEAN. And that's what'll evolve with the

PRESIDENT. Right.

DEAN. narrowing of the issues to where what information, say, a, a Haldeman might have or an Erlichman might have

PRESIDENT. Yeah.

DEAN. that the Committee needs to be complete in its report or its investigation.

PRESIDENT. Yeah. We will say that you will then, you will [unintelligible] to written interrogatories under oath, than an-, answer questions.

DEAN. That's—publicly, you, you're not withholding any information and you're not using the shield of the Presidency.

PRESIDENT. So, as I say, [clears throat] when you talk to Kleindienst—because I have raised this in previous things with him on the Hiss case—he got, he'd forgotten, and I said, "Well go back and read the first chapter of Six Crises. Tells all about it." But I know very—as I said, I mean, that was espionage against the nation, not against the party. FBI, Hoover, himself, who was a friend of mine,

DEAN. Uh huh.

PRESIDENT. even then, said "I'm sorry. I have been ordered not to cooperate." And they didn't give us one God damned thing. I conducted that investigation with two stupid little committee investigators—they weren't that stupid—they were tenacious. One had been fired by the FBI; he was a good, decent fellow, but he was a drunk.

DEAN. Uh huh.

PRESIDENT. And, uh, we got it done. But we broke that thing

DEAN. Against a wall——

PRESIDENT. without any help. The FBI then got the evidence which eventually—See, we got Piper, who—We got the, the, the, oh, the Pumpkin Papers, for instance. We, we got all of that ourselves.

DEAN. Well, you know, I——

PRESIDENT. The FBI did not cooperate. The Justice Department did not cooperate. The Administration would not answer questions except, of course, for Cabinet officers, I mean, like, uh, who's the, who—Burling came down and some of the others [unintelligible]

DEAN. Funny, when the shoe is on the other foot, how they look at things, isn't it?

PRESIDENT. They did—Well, and, as I said, the New York Times, the Washington Post and all the rest, said the Administration has an absolute right—They then

DEAN. [Clears throat]

PRESIDENT. put it, they put it in terms of executive privilege. They were just against the investigation. So the real question there is that now, now you could say that I, having been through that—we have talked it over, and that I feel that, uh, I think that was—I have always felt very miffed about that, felt that was wrong, it was espionage against the nation. Now this is another matter. But I think that we ought to cooperate, and I'm trying to find an area of cooperation. Here it is: written interrogatories. All right. You see, the Er—, the, the Baker theory is that he wants to have a big slambang thing for a week and then he thinks interest in the whole thing'll fall off. And he's right about that. And he even—But his point of having the big slambang thing for a week is to bring all the big shots up right away. But the big shots you could bring up—you, you could bring up Stans. They've got to put him on, and they've got to put Mitchell on. But he'd like to get, of course, Haldeman, Ehrlichman, and Colson.

DEAN. I understand that, uh, Bob and you have talked about running Stans out as sort of a stalking horse on an—, on another post.

PRESIDENT. Well, it's not my idea. It's, uh, I guess Moore or somebody mentioned it.

DEAN. I, I think it was my idea, as a matter of fact, and I think it could defuse, could be one defusing factor in the hearings. Uh, Stans would like to get his side of the story out. He is not in any serious problem ultimately. It could be rough and tumble, but Maury is ready to take it and, uh, it would be a mini-hearing, no doubt about it. But this further detracts from, uh, the other Committee.

PRESIDENT. It would be a mini-hearing, it's true. Except knowing the press—I'm trying to think out loud a minute—knowing that they, uh, you know, they have, like they have taken [clears throat]—they sold several of these stories on Colson and Haldeman about four times.

DEAN. Oh, I know that.

PRESIDENT. Now, that they can—I just wonder if, if that doesn't do that? I don't know [clears throat]. Take Stans, they'll get him up by the seat; somebody's after him about the Vesco contri—[clears throat]—bution. As I read the, first read the story briefly in the [Dean clears throat] Post. And, I read, naturally, the first page and I turned to the Times, read it. The Times had in the second paragraph that the money had been refer—, returned.

DEAN. That is correct.

PRESIDENT. The Post didn't have it until after you continued to the next, to the next section.
DEAN. That's right.
PRESIDENT. The God damnedest thing I ever saw.
DEAN. Typical.
PRESIDENT. [Coughs] My guess is that as far as that transaction's concerned, that it was after, that he got the money after the tenth, but I don't think they pointed out that Sears got it before.
DEAN. Well it was con—
PRESIDENT. [Unintelligible]
DEAN. Well, for all purposes, the, the, uh, the donor—
PRESIDENT. Because I'm sure,
DEAN. Vesco—
PRESIDENT. I'm sure that Stans would never do a thing like that.
DEAN. Now, uh—
PRESIDENT. Never. Never. Never.
DEAN. Uh, I think we have a good strong case that the donor had relinquished control over the money, and constructive possession of the money was in the hands of the
PRESIDENT. Harry Sears.
DEAN. finance committee, and Sears and, uh, and the like. So that there is no, uh—
PRESIDENT. How did they get my brother in it? Eddie?
DEAN. I'll tell you, you talk of the, that was—that was sheer sandbagging of, of your brother. Here is what they did. They called him down here in Washington.
PRESIDENT. Who did?
DEAN. Uh, it's, uh, let's see,
PRESIDENT. Sears?
DEAN. it was Vesco; it was Vesco and Sears, and said that, "We want to talk to you about the nature of this transaction because we have had some earlier conversations with
PRESIDENT. Yeah.
DEAN. uh, Stans." He really wasn't privy to it,
PRESIDENT. Yeah, I know.
DEAN. and didn't know much about it; said, "Sure, I'll come up." And what the, the long and short of it was, they were asking him to find out from Stans whether they wanted cash or check. Stans just responded to your brother and said, uh, "I don't really care—whatever they want to do," and that's what he relayed back and it's, uh—He wasn't, he, he didn't even understand why he was there.
PRESIDENT. Sure. [Unintelligible]
DEAN. So, uh, and he's clean as a whistle. There's just no—
PRESIDENT. Oh, I know that. I know that.
DEAN. Just no problem at all.
PRESIDENT. He doesn't know anything about the money side. So you'd sort of lean to having Stans go stalking out there.

DEAN. I think it'd have—I think it would take a lot of the teeth out of the—you know—the stardom of the people they'll try to build up to. If Stans had already gone through a hearing in another committee, obviously they'll use everything they have at that time and it won't be a hell of a lot. Uh, it confuses the public. The public is bored with this thing already.

PRESIDENT. Yeah.

DEAN. One of the s—, one of the things I think we did succeed in before the election—

PRESIDENT. Stans is very clean. What I mean is, let's face it, on this thing, the way I analyze it, and I have stayed deliberately away from it, but I think I can sense what it is. The way I analyze the thing. Stans would have been horrified at any such thing. And, uh, and, uh, what had happened, what happened was that he, he honestly is outraged. He thinks that what happened is that these pipsqueaks down the line took in some of his hard earned cash and got into silly business with it.

DEAN. That's right. He—

PRESIDENT. Isn't that what he really thinks?

DEAN. He, he does and he is a victim of circumstances, of innuendo, of false charges. Uh, he has a darn good chance of winning that libel suit he's got against Larry O'Brien.

PRESIDENT. Has he?

DEAN. He's—that's right.

PRESIDENT. Good. That's why Larry filed a countersuit.

DEAN. That's right.

PRESIDENT. I see Ziegler was disturbed at the news that they subpoenaed newsmen. Did it disturb you?

DEAN. It didn't disturb me at all. No, sir. I, I talked to Ron at some length about it the other night,

PRESIDENT. Yeah.

DEAN. and I said, "Ron, if it—first of all you can be—rest assured that the White House was not

PRESIDENT. [Unintelligible]

DEAN. involved in that decision." It's not a criminal case, no, it's a—

PRESIDENT. It doesn't involve prosecution.

DEAN. No, it's a civil deposition and, uh, uh, it's not if—we haven't reached the newsman's privilege issue yet, and that's way down the road, if for some reason they refuse to testify on some given evidence. What they are trying to establish is the fact that, uh, Edward, Edward Bennett Williams' law firm passed out an amended complaint that libeled Stans before it was into the Court process, so it was not privileged. And the newsmen are the people who can answer that question. Also, they are trying to find out how Larry O'Brien and Edward Bennett Williams made state-

ments to the effect that this law suit was not really to—the first law suit they had brought against the Committee—was not really to establish any invasion of privacy, but rather they were harassing the, uh, uh, the Committee.

PRESIDENT. They've made the [unintelligible]?

DEAN. They made this off the record to several newsmen and we know they did this. That this was a drummed up law suit.

PRESIDENT. So therefore that proves, uh, also malice, doesn't it?

DEAN. It, uh, it makes the abuse of process s—, uh, case that we have against them on a countersuit. And the lawyers made a very conscious and good decision that—to proceed with the suit, they were going to have to have this information and it doesn't bother me that, uh, they subpoenaed nine or ten—

PRESIDENT. Well, one hell of a lot of people don't give one God damn about this issue of suppression of the press, and so forth. We know that we aren't trying to do it, when they can all squeal about it. It's amusing to me when they say—somebody says, "I watched the networks and they weren't—and I thought they were restrained." What the Christ do they want them to do—to go through the '68 syndrome, when they were eight to one against us? They were only three to one this, this time on the—according to the average. You know, it's really, really, really sickening, you know, to see

DEAN. Right.

PRESIDENT. these guys that always, they always figured, "Well, we have the press on our side." Then when we, uh, we, we receive a modest amount of support—

DEAN. That's right.

PRESIDENT. Colson, sure, making them move it around, saying [unintelligible] we don't like this or that but, uh, it didn't affect them.

DEAN. Well, you know Colson's threat of a law suit that was, was printed in Evans and Novak had a very sobering effect on several of the national magazines. They are now checking before they print a lot of this Watergate junk they print, with the press office trying to get a confirmation, denial, comment or calling the individual that's involved. And they have said as much as they are doing it because they are afraid someone is going to bring a libel suit on them. So it did have a sobering effect. It will keep them, maybe, honest if we can, uh, remind them that they can't print anything, I mean, uh—

PRESIDENT. Well, you of course know, that I said at the time of the *Hills* case—well, it is God damned near impossible for a public figure to win a libel case anymore.

DEAN. Yes sir. It is. To establish (1) malice, or reckless disregard of—no they're both very difficult.

PRESIDENT. [Sneezes] Yeah. Well, malice is impossible, virtually. This guy up there, "Who, me?" Reckless disregard, you can, maybe.

DEAN. Tough. That's a bad decision, Mr. President. It really is. It was a bad decision.

PRESIDENT. [Unintelligible]. What the hell happened. What's the name of that—I don't remember the case, but it was a horrible decision.

DEAN. *New York Times* versus *Sullivan.*

PRESIDENT. [Unintelligible] Sullivan case.

DEAN. [Unintelligible] and it came out of, uh, out of the South on a civil rights—

PRESIDENT. Selma. It was talking about some, some guy that was—yeah, he was a police chief or something. Anyway, I remember reading it at the time when—that's when we were suing Life, you know, for the *Hills.* When Life was guilty as hell.

DEAN. Did they win it?

PRESIDENT. Supreme Court—four to three. There were a couple of people who couldn't, uh—no, five, five to four—five to three and a half.

DEAN. [Laughs]

PRESIDENT. Basically, the, uh—Well, this goes back to executive privilege [unintelligible]. Uh, we must, uh, we must, must go forward on that. Just so you understand, I think you'd better go over and get in touch with Dick, and say: you keep it at your level; don't say the President told you to say so. Well, I guess it's going to be me in the end, but I, I'd say, "This is the position, Dick, you should take." Period. Let's let him get out there and take it. But I want them to think they can appeal to me. You can tell him that I took that position with Baker. But he—Baker's a smoothy—impressive—"Oh, the President didn't say this or that," he said, "we just think he'll tell them this."

DEAN. [Laughs]

PRESIDENT. Then he'd say, "All right, they have studied it, they have recommended it and the President has approved it." Right?

DEAN. Now how about—

PRESIDENT. Is that what you want to say?

DEAN. Yes sir, I, I, I think that's absolutely on all fours. And, uh, how about our dealings with Baker? Under normal Congressional relations, uh, vis-a-vis Timmons and Baker, should we have Timmons making, uh, dealing with one of the—

PRESIDENT. Well, he, he objected to, uh, I mean, something, now that's a curious thing on that—it's hard to know whether this would be a very big gaff by calling him,

urging and trying to influence who would be on his staff. But Jesus Christ, uh, I don't know why he did blow, he did that, if he did. I don't—But if he did, I don't know why Baker would resent it. But, nevertheless, he—

DEAN. [Clears throat]
[In background: "Thanks, Virginia."]

PRESIDENT. I don't know how to deal with him, frankly. Don't you ask [unintelligible] I gathered the impression that Baker didn't want to talk to anybody but Kleindienst.

DEAN. Okay, I think that's one we'll just have to monitor and that's one we'll have

PRESIDENT. Fine.

DEAN. to know an awful lot about if something comes down the road.

PRESIDENT. Well, let's just let Timmons tell Baker that if he wants to talk to, if he wants to get anybody at the White House, that I don't want him to talk to Timmons. Of course Timmons is a party in interest here, too. I don't want him to

DEAN. That's right.

PRESIDENT. talk to Haldeman; I don't want him to talk to Ehrlichman, that you're the man—and that you're available. But leave it that way: that you're available to talk to him, but not for everything. But, nobody else. How does that sound to you?

DEAN. I think that sounds good.

PRESIDENT. You tell Timmons that he sees him privately and says that's it. We are not pressing him. We don't care, we're not—because Baker—[sighs]. The woods are full of weak men.

DEAN. I would suspect if we're going to get any insight into what that—that Special Committee is going to do, it's going to be through the Gurneys—I don't know about Weicker, uh, where he's

PRESIDENT. Weicker's a—

DEAN. going to fall out on this thing.

PRESIDENT. Well, he'll, he'll, he'll be—

DEAN. Whatever's up—

PRESIDENT. I think Weicker, the line to Weicker is Gray. Now, Gray has got to shape up here and, and, uh, handle himself well, too. Do you think he will?

DEAN. I do. I think Pat is, uh, think Pat is tough. He goes up this morning, as you know. Uh, he is, uh, he is ready. He is very comfortable in all of the decisions he has made, and, uh, I think he'll be good.

PRESIDENT. But he's close to Weicker—that's what I meant.

DEAN. Yes, he is.

PRESIDENT. And, uh, so, uh, Gray, Gray—

DEAN. As a vehicle—yes.

PRESIDENT. One rather amusing thing about the Gray thing is that I, I—and I knew this would come—they constantly say that Gray is a political crony of, and a personal crony of the President's. Did you know that I have never seen him socially?

DEAN. Is that correct? No, I didn't.

PRESIDENT. He's—I think he's been to a couple of White House—but I have never seen Pat Gray separately.

DEAN. Oh, the press has got him meeting you at a social function. And, and, uh, going on from there.

PRESIDENT. When?

DEAN. Back in '47, I think, is something I have read.

PRESIDENT. Maybe Radford had a party or something.

DEAN. Something like that.

PRESIDENT. Something like that. But that's all. Uh, well that's—I don't know. Gray is, uh, is somebody that I, that I know only as a—He was a, he was Radford's Assistant, used to attend NSC meetings.

DEAN. Uh huh.

PRESIDENT. So I've met him. He's never been social. Edgar Hoover, on the other hand, I have seen socially at least a hundred times. He and I were very close friends.

DEAN. That's curious, the way the press just—

PRESIDENT. But John—and that's the point: Hoover was my crony and friend. He was as close or closer to me than Johnson, actually, although Johnson used him more. But as for Pat Gray, Christ, I never saw him.

DEAN. While it might have been, uh, a lot of blue chips to the late Director, I think we would have been a lot better off during this whole Wagergate thing if he'd been alive, 'cause he knew how to handle that Bureau,

PRESIDENT. Oh.

DEAN. knew how to keep them in bounds, uh—was a tough cookie.

PRESIDENT. Well, if, if Hoover ever fought—He would have fought, that's the point. He'd have fired a few people, or he'd have scared them to death. He's got files on everybody, God damn it.

DEAN. [Laughs] That's right.

PRESIDENT. But now, at the present time, the Bureau is leaking like a sieve, and, uh, Baker, and, and—Gray denies it. Just says it's not coming from the Bureau. Just who in the hell is it coming from? How in the hell could it be coming from anybody else? It isn't coming from Henry Petersen, is it?

DEAN. No. I just would not—

PRESIDENT. It isn't coming from the depositions, is it?

DEAN. No. It's that, well, they're getting, they're getting raw data. They're getting the raw, what they call, 302 forms.

PRESIDENT. Yeah.

DEAN. Those are the summaries of the interviews.

PRESIDENT. Yeah. Yeah. Well, [coughs] if you could do—handle it that way, I think that's the best thing to do. Do you ever wonder, really, if Colson, who's got the brass, the balls of a brass monkey, shouldn't bring a suit. Now, then, uh, understand, that I know that Colson, Colson's got a lot of vulnerabilities. Uh, you know, in terms of people that he knew, and so forth and so on. It's certainly an issue. But I mean on a narrow issue—

DEAN. Well, Chuck and I talked about this.

PRESIDENT. He could win it.

DEAN. He, he could possibly win the suit, but, uh, lose the war, for this reason:

PRESIDENT. [Unintelligible]

DEAN. A counter-discovery in a libel action has no bounds.

PRESIDENT. I get it. Okay.

DEAN. The subject is wide open.

PRESIDENT. [Unintelligible]

DEAN. That's the problem there.

PRESIDENT. That's the District Code in the Federal Court?

DEAN. That's right. They could just come in and, and depose him on everything he's done at any point in time, and that does it.

PRESIDENT. Keep him out of it. Keep him out of it.

DEAN. Right.

PRESIDENT. Why doesn't Stans be the suer? He is the suer, anyway.

DEAN. He's got a good one, and, uh, uh, he may well prevail. Way—It may well be the device to force a settlement of all these other suits we've got out there. You know, we've got fourteen million dollars worth of suits against us, and we've got seven or s—, or ten against them.

PRESIDENT. Christ, they all ought to get together and drop them.

DEAN. That's what we're trying to get accomplished.

PRESIDENT. Hell, yes.

DEAN. They're just costing, they're, they're causing everybody problems, and, uh—

PRESIDENT. That's right, that's right—and they've got problems, and we've got them.

DEAN. Uh—

PRESIDENT. So, you see this Vesco thing coming up burns my tail, 'cause I, I raised hell with Haldeman on this and he didn't do anything about it. Well, I guess he couldn't. What in the name of God ever became of our investigation of their financial activities? Jesus Christ, they borrowed—they cancelled debts, they borrowed money. What the hell is that?

DEAN. It's, uh, it's still going on, Mr. President. They're—Look—McGovern's stuff is in such bad shape. That's another unfortunate thing. The GAO comes in to audit us.

PRESIDENT. Yeah.

DEAN. They, they, find all the documents, so they are able to make—

PRESIDENT. [Unintelligible] GAO say that.

DEAN. They—Well, they have now, but it, you know, gets about that much

PRESIDENT. Yeah.

DEAN. coverage in the paper. They can't even figure out what McGovern's done, the books are in such a mess, but you haven't seen them say anything yet. And that's one of those things that, hopefully, we'll, uh—

PRESIDENT. Bring out in the hearings.

DEAN. Bring out as to what a mess this was, and, and—

PRESIDENT. How are you going to bring it out? You can't bring it out in these hearings,

DEAN. Well I think, I think—

PRESIDENT. Ervin'll rule it out.

DEAN. I think an independent sort of media type will bring it out, uh. Chuck is going to be of aid when he is out there not connected with the White House.

PRESIDENT. Yeah.

DEAN. Little bits of tidbits can be dropped to Chuck, 'cause Chuck'll still have his channels to

PRESIDENT. Sure.

DEAN. push things out.

PRESIDENT. Sure. That's what—In my view, I have use—Of course it's hard for him to leave because he loves the action and the rest. But apart from the financial part of it, at his age, and so forth—which everybody has to think of—Colson can be more valuable out than in, because, basically in, he just reached the point where he was, uh, he was too visible.

DEAN. He is a lightning rod.

PRESIDENT. And, uh, and outside, I mean, he can start this and that and tell them, "I'm a private citizen and I'm saying what I God damn please." Right?

DEAN. That's right. That's absolutely right. I think Chuck can be of great aid in this thing, and I think he'll, uh, he'll do it.

PRESIDENT. Now, on the other thing, that is, to recap: You will talk to, uh, Timmons about the Baker thing. Get that—get him tied down to the extent he can. I doubt if much could be done there. You must talk to Kleindienst, fast, so that Kleindienst knows that it's been decided, and that's it. And he'll say, "Well, they won't take it." [Unintelligible]. That's all right. That's what it is, you know. Go on to the written interrogatory thing. We shall see. Your, your view would be not to give any further ground on that?

DEAN. I'd say hold—You know, you, you, you initially hold the line as far as you go if it becomes apparent that it's necessary for informational purposes.

PRESIDENT. When the main, the main thing is not to—

DEAN. I mean, the President, the President's not going to hide any information. He's—

PRESIDENT. Huh?

DEAN. You're not going to hide any information.

PRESIDENT. Yeah.

DEAN. Then this can be given in a sworn statement, uh, through, uh, an interrogatory—send your questions down, they'll be answered. We won't hide the information. We won't, uh, change the, uh, the nature of the ability of the President to make decisions, to operate internally and the like,

PRESIDENT. Yeah.

DEAN. because you have a political circus going.

PRESIDENT. Okay. I understand you, you—that Mollenhoff still thinks everybody should go up and testify.

DEAN. That's right.

PRESIDENT. Uh, but at least you had a talk with him. I do want you to look into the case, though.

DEAN. Yes, sir, I am.

PRESIDENT. If the guy's got a bad rap, uh, his, his man, God damn it, we'll get him out of it.

DEAN. I am doing that. I talked to Clark, uh,

PRESIDENT. Yeah.

DEAN. yesterday. Uh, I talked to him last night again.

PRESIDENT. Yeah. Okay.

DEAN. And, I—he's on this as hot and heavy as can be and—

PRESIDENT. Well, does he think he's got a bad rap?

DEAN. He does—he thinks he's got a bad rap. And I, you know—

PRESIDENT. Maybe he has.

DEAN. It's a very funny—

PRESIDENT. I know Rule doesn't have a bad rap. That much—which, uh, by, when, when Rule, Rule, Rule, uh, because when, when a, when a bureaucrat takes it upon himself to go out and, and go way beyond the pale in terms of attacking an Administration like he did, that can't be tolerated. That—He, he—you've got to—

DEAN. It's a different—

PRESIDENT. Suppose a Congressman or a Senator or one of his Administrative Assistants went out and attacked one of his contributors. What the hell would he do? Fire him. That's right.

DEAN. Right.

PRESIDENT. No—I noticed several of our Congressmen and brave Republican Senators called upon us to reinstate Rule. Congress is, of course, on its, its—It can—I guess they are so enormously frustrated that they're irrelevant. Isn't that the point? That's their problem.

DEAN. I think, I think there's a lot of that.

PRESIDENT. It's too bad we can take no comfort—we can take very little comfort from this; we have to work with them. But they become irrelevant because they're so damned irresponsible. Much as we would like that it would be otherwise. Pretty sad lot, isn't it?

DEAN. It is. Yes, sir. I spent some years on the Hill myself and one of the things I always noticed was the inability of the, of the Congress to, to deal effectively with the Executive Branch because (1) they don't—they've never supplied themselves with adequate staffs, in other words, had adequate information available, uh—

PRESIDENT. Well now they've got huge staffs, though, compared to what we had, you see.

DEAN. Well they've got huge staffs, uh, true, as opposed to what they had years ago.

PRESIDENT. [Unintelligible]

DEAN. But they are still

PRESIDENT. —inadequate.

DEAN. inadequate to deal effectively—

PRESIDENT. God, don't, don't, don't [coughs], don't get into—Please don't try [unintelligible]

DEAN. No, no, I'm not suggesting that—I keep, uh, I reserve my,

PRESIDENT. Yeah.

DEAN. my observations for myself. Well, I think this, these hearings are going to be hot, and I think they are going to be tough. Uh, I think they are going to be gory in some regards, but I'm also convinced that if everyone pulls their own oar in this thing, in—all those we've got with various concerns, that we can make it through these, and minimal people will be hurt. And they may even paint themselves as being such partisans and off base, that they are really damaging the institutions of government themselves, and—

PRESIDENT. [Coughs] I frankly would say that I perhaps rather that they be partisan—that they get to be partisan.

DEAN. I, we're going to hope they, uh—

PRESIDENT. I, I'd rather have that, rather than for them to have the facade of fairness and all the rest, and then come out—'cause Ervin, in spite of all this business about his being a great Constitutional lawyer—Christ, he's got, he's got Baker totally buffaloed on that. I mean, Ervin is as partisan as most of our Southern gentlemen are. They, they, they are great politicians. They're just more clever than the minority. Just more clever.

DEAN. Well, I'm, I'm convinced it may be shown that he is merely a puppet for Kennedy in this whole thing.

PRESIDENT. Kennedy.

DEAN. For Kennedy. The fine hand of the Kennedy's is behind this whole hearing that's going on—or that is forthcoming. There is no doubt about it. When, when they considered the resolutions on the floor of the Senate I got the Record out to read it. Who asked special permission to have their staff man on the floor? Kennedy

PRESIDENT. Right.

DEAN. brings this man Flug out on the floor when they're debating a resolution. He is the only one that did this. Uh, it's been Kennedy's push, quietly, his constant investigation, his committee using their subpoenas to get at Kalmbach, uh, and all these people.

PRESIDENT. Uh huh.

DEAN. that's kept the quiet and constant pressure on the thing. I think this fellow Sam Dash, who has been selected Counsel, is a Kennedy choice. I think it's also something we'll be able to quietly and slowly document. People will print it in the press, and, uh,

PRESIDENT. Um huh.

DEAN. the partisan cast of this will become much more apparent.

PRESIDENT. Yeah, I guess the Kennedy crowd is just laying in the bushes waiting to make their move. Boy, it's a shocking thing. You know, we, we talk about Johnson using the FBI. Did your friends tell you, did your friends tell you whether—what Bobby did, or whether he [unintelligible]?

DEAN. I, I haven't heard but I wouldn't—

PRESIDENT. Johnson believes that Bobby bugged him.

DEAN. That wouldn't surprise me, uh—

PRESIDENT. Bobby was a ruthless little bastard. But the FBI does—they, they tell you that, uh, Sullivan told you that, the New Jersey thing? We did use a bug up there—just for intelligence work.

DEAN. Intelligence work—just had agents all over [unintelligible]

PRESIDENT. Frankly, the doctors say that the poor old gent had a tumor.

DEAN. That's right.

PRESIDENT. The FBI [unintelligible]

DEAN. Well, uh, he used Abe Fortas and Deke DeLoach backed up by, uh, some other people in the Bureau that were standing ready to go out and try to talk this doctor into examining Walter Jenkins to say the man had a brain tumor. He was very ill, that's why the erratic behavior. And this doctor, uh, wouldn't buy it.

PRESIDENT. The doctor had never examined him before or anything.

DEAN. No.

PRESIDENT. They were trying to set that up though, huh.
DEAN. Oh, yeah, that would've—
PRESIDENT. What other kind of activities?
DEAN. Well, I, you know, as I say, I haven't probed uh, uh,
PRESIDENT. Sullivan.
DEAN. Sullivan to the depths on this because I—he's, he's one I want to treat at arm's length, till we make sure
PRESIDENT. Right.
DEAN. he is safe.
PRESIDENT. That's right.
DEAN. But he has a world of information that, uh, may be available.
PRESIDENT. But he says that what happened on the, on the, uh, bugging thing is—who told what to whom again? The bugging thing?
DEAN. Oh. On the '68 thing—I was trying to track down the, the leaks.
PRESIDENT. Yeah.
DEAN. He said that the only place he could figure it coming from would be one of a couple of sources he was aware of, uh, that had been somewhat discussed publicly. He said that Hoover had told Patrick Coyne about the fact that this was being done. Coyne had told Rockefeller.
PRESIDENT. Yeah [unintelligible]
DEAN. Now Rockefeller had told Kissinger. Now, I have never run it any step beyond what Mr. Sullivan said there. Now, the other thing is that when the records were unavailable for Hoover—all these logs,
PRESIDENT. Yeah. [Clears throat]
DEAN. Hoover tried to re—, reconstruct them by going to the Washington Field Office and he made a pretty good stir about what he was doing when he was trying to get the record and reconstruct it. And, he said that at that time we probably hit the grapevine in the Bureau that his had occurred. But there is no evidence of it. Uh, the records show at the Department of, of Justice and, and the FBI that there's no such, uh, surveillance was ever conducted. Uh—
PRESIDENT. Shocking [unintelligible]
DEAN. Now, about White House staff and reporters and the like, and, now, the only, the only person that knows—is aware of it—is Mark Felt, and we've talked about Mark Felt, and, uh—I guess, uh—
PRESIDENT. What does it do to him, though? Let's face it. You know, suppose that Felt come out and unwraps the whole thing. What does it do to him?
DEAN. He can't do it. It just —
PRESIDENT. But my point is: Who's going to hire him?
DEAN. That's right.
PRESIDENT. Let's face it.
DEAN. He can't. He's —

PRESIDENT. If he—the guy that does that can go out and, uh, you mean he's a—of course, he couldn't do it unless he had a uarantee from somebody like Time magazine saying "Look we'll give you a job for life." Then what do they do? They put him in a job for life, and everybody would treat him like a pariah. He's in a very dangerous situation. These guys you know—the informers, look what it did to Chambers. Chambers informed because he didn't give a God damn.

DEAN. That's right.

PRESIDENT. But then, one of the most brilliant writers according to Jim [unintelligible] we've ever seen in this country—and I am not referring to the Communist issue—this greatest single guy in the time of twenty-five or, thirty years ago, probably, probably the best writer [unintelligible] this century. They finished him.

DEAN. Uh huh. Well, I think, I, there's no—

PRESIDENT. Either way, either way, the, the informer is not wanted in our society. Either way, that's the one thing people do sort of line up against. They,

DEAN. That's right.

PRESIDENT. they say, well that son-of-a-bitch informed. I don't want him around. We wouldn't want him around, would we?

DEAN. I don't, uh—

PRESIDENT. Hoover to Coyne to N.R. to K. Right?

DEAN. Right.

PRESIDENT. Good God. Why would Coyne tell Nelson Rockefeller? He was a—I've known Coyne for years. I've—not well, but I—he was a great friend of, oh, uh, one of my Administrative—Bob, uh, King, who was a Bureau man.

DEAN. Now this is Sullivan's story. I have no—

PRESIDENT. Fine. That's all right.

DEAN. I don't know if it's true, but I don't have any reason to doubt that—

PRESIDENT. Most of this is Gospel. Hoover told me, so, uh—and he also told Mitchell, personally, that this had happened. [Unintelligible]

DEAN. Are you talking—I was talking about the '68, uh, incident that just occurred. Not the—

PRESIDENT. I'm talking about the '68 bugging of the plane.

DEAN. Yeah. Oh, I wasn't referring to that now. When this, when this Coyne, to—

PRESIDENT. Oh, oh, that's—

DEAN. This, this was the, this was the fact that newsmen had been, uh, I, I—excuse me, I though he meant the reference to the fact that, uh

PRESIDENT. Oh.

DEAN. three years ago the White House had allegedly—the Time story.

PRESIDENT. Oh, this is a—That's, that's not the, uh—

DEAN. No, on the, on the '68 incident, uh, all I've been able to find out is what you told me that Hoover had told you, what he'd

PRESIDENT. Yeah.

DEAN. told Mitchell.

PRESIDENT. Yeah.

DEAN. He, uh—

PRESIDENT. Mitchell corroborates that, doesn't he?

DEAN. That's right. Uh, then—

PRESIDENT. Sullivan doesn't remember that?

DEAN. Kevin Phillips called Pat Buchanan the other day with, with a, with a tidbit that, uh, Dick Whelan on

PRESIDENT. Yeah.

DEAN. the NSC staff had seen memoranda between the NSC and the FBI that the FBI had been instructed to put surveillance on Anna Chennault, the South Vietnamese Embassy and

PRESIDENT. That is a—

DEAN. the Agnew plane.

PRESIDENT. Agnew?

DEAN. Agnew plane.

PRESIDENT. They put it on our—well, this isn't mine—maybe I'm wrong.

DEAN. Now, and it said al—, and this note also said that, uh, Deke DeLoach was the operative FBI officer on this.

PRESIDENT. I think DeLoach's memory now is very, very hazy in that connection. He doesn't remember anything.

DEAN. Well, I talked to Mitchell about this and Mitchell says that he's talked to DeLoach. DeLoach has in his possession, and he has let Mitchell review them, some of the files on this. Uh—

PRESIDENT. But not, but not—

DEAN. But they don't go very far; they don't go very far—This, this is DeLoach, uh, protecting his own hide. The, uh—

PRESIDENT. They are never going to—It's just as well, to be candid with you. Just as well. But, uh—so Hoover told Coyne, and, uh, and—who told Rockefeller,

DEAN. —that this—

PRESIDENT. who told Kissinger that newsmen were being bugged

DEAN. Yeah.

PRESIDENT. by us.

DEAN. That's right.

PRESIDENT. Now why would Hoover do that?

DEAN. I don't have the foggiest. This was Sullivan's story as to where, uh, the leak might have come from about this current Time Magazine story, which we are stone-walling totally, uh—

PRESIDENT. Oh, absolutely.

[NOTE.—At this point, there was a discussion of one minute and twelve seconds which has been deleted.]

PRESIDENT. Sure. And the, and the, and the, and Henry's staff—He insisted on Lake, you see after working with McGov-, uh, uh, for Muskie.

DEAN. Um huh.

PRESIDENT. Incidentally, didn't Muskie do anything bad on there? [Unintelligible] Henry [unintelligible]. At least I know not because I know that, I know that he asked that it be done, and I assumed that it was. Lake and Halperin. They're both bad. But the taps were, too. They never helped us. Just gobs and gobs of material: gossip and bull shitting [unintelligible]

DEAN. Um huh.

PRESIDENT. The tapping was a very, very unproductive thing. I've always known that. At least, I've never, it's never been useful in any operation I've ever conducted. Well, is it your view that we should try to get out that '68 story then, if we can?

DEAN. Well, I think the threat,

PRESIDENT. [Unintelligible]

DEAN. the threat of the '68 story when, when Scott and the others were arguing that the Committee up on the Hill broadened its mandate

PRESIDENT. Yeah.

DEAN. to include other elections,

PRESIDENT. Yeah.

DEAN. they were hinting around that something occurred in '68 and '64 that should be looked at.

PRESIDENT. Right. Goldwater claims he was bugged.

DEAN. That's right. Now I think that, I think that, that threats—

PRESIDENT. Did you think Gold—Oh, you, didn't you say that Johnson did bug Goldwater's—?

DEAN. He, he didn't—well, I, we don't know, I don't know if he bugged him, but—

PRESIDENT. He did intelligence work?

DEAN. He did intelligence work up one side and down the other—

PRESIDENT. From the FBI?

DEAN. From the FBI. Uh, just up one side and down the other on Goldwater.

PRESIDENT. Um hm.

DEAN. Now I have not had a chance to talk to the Senator, and I've known the Senator for twenty years. Uh, he is the first man in public life I ever met. Uh, Barry Jr. and I were roommates in school together, so I, I as you know, I can talk to the man.

PRESIDENT. Sure.

DEAN. I am really going to sit down with him one day and say,

PRESIDENT. I think you should.

DEAN. say, what,
PRESIDENT. Say, "What the hell do you—"
DEAN. what, what do you—
PRESIDENT. Do you have any hard evidence?
DEAN. That's right. Then we can go from there and
PRESIDENT. Right.
DEAN. possibly reconstruct some things.
PRESIDENT. Get some stuff written, and so forth. I do think you've got to remember that, as you sure do, this is mainly a public relations thing, anyway. What is the situation, incidentally, with regard to the, the sentencing of our, of the people, the seven? When the hell is that going to occur?
DEAN. That's likely to occur, I would say, [sighs] could occur as early as late this week, more likely sometime next week.
PRESIDENT. Why has it been delayed so long?
DEAN. Well, they, they've been in, in process of preparing the pre-sentence report. The Judge sends out probation officers to find out everybody who knew
PRESIDENT. Yeah.
DEAN. these people, and then he'll—
PRESIDENT. He's trying to work on them to break them, is he? [Unintelligible]
DEAN. Well, there's some of that. They are using the probation officer for more than a normal probation report. They are trying to, uh,
PRESIDENT. Yeah.
DEAN. do a mini-investigation by the Judge himself, which is his only investigative tool here, so, they, that, they are virtually completed now. They—the U.S. Attorney who handles, the, the Assistant U.S. Attorney.
PRESIDENT. You know when they talk, though, about a thirty-five year sentence, now here's, here's something that does not involve—There were no weapons, right? There were no injuries, right? There was no succe—well, success maybe—I don't know. The point is—the, uh—that, that sort of thing is just ridiculous. One of these, one of these blacks, you know, goes in here and holds up a, a store with a God damned gun, and, uh, they give him two years and then probation after
DEAN. And they—
PRESIDENT. six months.
DEAN. And they let him out on, on bond during the time that he is considering his case. These fellows cannot get out—
PRESIDENT. Are they out? Have they been in jail?
DEAN. They're in—well, all but one. Hunt made the, the bond. Everybody else is in jail. They've got a hundred thousand dollar surety bond which means they have to put up actual collateral, and none of these people have a hundred thousand dollars. The Court of Appeals has been sitting for two weeks or better

now on a review of the bond issue. They're not even letting these people out to prepare their case for appeal.

[NOTE.—At this point, there was a discussion of about fifteen minutes which has been deleted.]

PRESIDENT. You still think Sullivan is basically reliable?

DEAN. I, I have nothing to judge

PRESIDENT. No.

DEAN. that on other—I watched him for a number of years. I watched him when he was working with Tom Huston on domestic intelligence, and his, in his desire to do the right thing. Uh, I tried to, you know, stay in touch with Bill, and find out what his moods are. Bill was forced on the outside for a long time. He didn't become bitter. He sat back and waited until he could come back in. Uh, he didn't try to force or blackmail his way around, uh, with knowledge he had. So, I, I have, I have no signs of anything but a reliable man who thinks a great deal of this Administration and of, and of you.

PRESIDENT. You understand the problem we have here is that Gray is going to insist, I am sure, come down hard for Felt as the second man. And that would worry the hell out of me if Felt—I think at the present time it doesn't.

DEAN. It, it worries me, frankly.

PRESIDENT. But for the future isn't it a problem?

DEAN. I think it is for the future, 'cause onl—things can only get more complex over there as we move along. There is no [laughs] doubt about it.

PRESIDENT. Well, as he gets closer to the next election—Oh, uh, [unintelligible]. I don't know Felt, never met him. What's he look like?

[NOTE.—At this point, there was a discussion of one minute and sixteen seconds which has been deleted.]

DEAN. Well, I have got to say one thing. There has never been a leak out of my [laughs] office. There never will

PRESIDENT. Yeah.

DEAN. be a leak out of my office.

PRESIDENT. No.

DEAN. I wouldn't begin to know how to leak, even. I don't want to learn how you leak.

PRESIDENT. Well, it was a shocking thing. I was reading a book last night on—Quite a fascinating little book, not well written, by Malcolm Smith, Jr. on Kennedy's thirteen mistakes [unintelligible] foreign policy. They are great mistakes, and one of them had to do with the Bay of Pigs thing. And, what had happened there was, uh, Chester Bowles had learned about it, and he deliberately leaked it. Deliberately, because he wanted the operation to fail.

DEAN. Hm.
PRESIDENT. And admitted it later.
DEAN. Interesting.
PRESIDENT. Admitted it.
DEAN. Interesting.
PRESIDENT. This happens all the time. Well, you can, uh, follow these characters to the, to their Gethsemane. I, I feel for those poor guys in jail, I mean, I don't know—particularly for Hunt. Hunt with his wife, uh, dead. It's a tough thing.
DEAN. Well,
PRESIDENT. We have to do [unintelligible]
DEAN. every indication
PRESIDENT. You will have to do—
DEAN. that they're, they're hanging in tough right now.
PRESIDENT. What the hell do they expect, though? Do they expect that they will get clemency within a reasonable time?
DEAN. I think they do. [Unintelligible] going to do.
PRESIDENT. What would you say? What would you advise on that?
DEAN. Uh, I think it's one of those things we'll have to watch very closely. For example—
PRESIDENT. You couldn't do it, you couldn't do it, say, in six months?
DEAN. No.
PRESIDENT. No.
DEAN. No, you couldn't. This thing may become so political as a result of these
PRESIDENT. Yeah.
DEAN. hearings that it is, it, it, is more—
PRESIDENT. A vendetta?
DEAN. Yeah, it's a vendetta. This judge may, may go off the deep end in sentencing, and make it so absurd that, uh, it's clearly an injustice, uh—
PRESIDENT. Yeah.
DEAN. That they have been heavily—
PRESIDENT. Are they going to feel—Uh, is there any kind of appeals left?
DEAN. Right. Liddy, Liddy and McCord, who sat through the trial, will both be on appeal.
PRESIDENT. Uh huh.
DEAN. And, uh, there is no telling how long that will last. I think this is one of the, one of these things we'll just have to watch.
PRESIDENT. My view is: say nothing about the event on the ground that the matter is still in the courts and on appeal.
DEAN. That's right.
PRESIDENT. That's my position. Second, my view is to say nothing about the hearings at this point, except that "I trust that they will be conducted in the proper way," and, "I will not comment on the hearings while they are in

process." [Unintelligible.] And then I, of course if they break through—if they get a lot luckier—But you see, it's best not to cultivate—and I get Ziegler to do the same—it's best not to elevate that thing here to the White House. 'Cause I don't want the White House gabbing around about the God damned thing. Now there, of course, you'd say, "But you leave it all to them."

[High frequency tone for four seconds.]

PRESIDENT. our policy. But the President should not become [unintelligible] on this case. Do you agree to that?

DEAN. I agree totally, sir. Absolutely. Now, that doesn't mean that quietly we're not going to be working around the [unintelligible]. But, uh, you can rest assured that, uh, we're not going to be sitting quietly.

PRESIDENT. I don't know what we can do. The people that are most disturbed about this [unintelligible] now are the God damned Republicans. A lot of these Congressmen, financial contributors, and so forth are highly moral. The Democrats are just sort of saying, "Oh, Christ, fun and games. Fun and games."

DEAN. Well, hopefully we can—

PRESIDENT. Take that Segretti thing: Ha, Jesus Christ. He was sort of a clownish figure, I don't see how our boys [laughs], could have gone for him. But nevertheless, they did. It was, it was really—shall we say, juvenile, the way that was handled. But nevertheless, what the hell did he do? What in the name of God did he do? Should, shouldn't we get, be trying to get intelligence? Weren't they trying to get intelligence from us?

DEAN. Absolutely.

PRESIDENT. Don't we try to get schedules? Don't you try to disrupt their meetings? Didn't they try to disrupt ours? Christ, they threw rocks, ran demonstrations, and shouted, cut the public address system, they had to tear gas them in Miami. What the hell was that all about?

DEAN. Well—

PRESIDENT. Did we do that?

DEAN. McGovern had Dick Tuck on his payroll, uh, and Dick Tuck was down in Texas when you went down to the Connally ranch, set up to do a prank down there.

PRESIDENT. That's right.

DEAN. But it never came off, uh—

PRESIDENT. What did, what, what did, what, what did Segretti do that came off? Much? I mean—

DEAN. He, he, he did some, some humorous things. He—

PRESIDENT. Yeah.

DEAN. For example, there'd be a fund raising dinner, and he had hired Wayne the Wizard to fly in from the Virgin Islands to perform a magic show, and, of course, he hadn't been hired. He sent uh,

PRESIDENT. Yeah.

DEAN. he sent invitations to all these black diplomats and,

PRESIDENT. Yeah.

DEAN. and sent limousines out to have them picked up, uh, and they all showed up and they hadn't been invited. He had four hundred pizzas sent to another, uh—

PRESIDENT. Yeah, sure, sure.

DEAN. I mean this is, this is—

PRESIDENT. Well, what the hell.

DEAN. Pranks.

PRESIDENT. Tuck do all this sort of thing?

DEAN. And so, so—

PRESIDENT. They did it to me in '62, in 1960, and the rest—they want to say, "Well, now, that's terrible. Now isn't that terrible?" What the hell.

DEAN. I think we can keep this, uh, the Segretti stuff in perspective because it's not that bad. Chapin's involvement is not that deep. Uh, he was a catalyst, and that's about the extent of it.

PRESIDENT. Sure, he, he knew him and recommended him.

DEAN. That's right.

PRESIDENT. But he didn't run him. He was too busy with us.

DEAN. The one I think they are going to go after, uh, with a vengeance, and who I plan to spend a great deal of time with next week, a couple of days, as a matter of fact, getting this all in order—is Herb Kalmbach.

PRESIDENT. Yes.

DEAN. Uh. Herb has got—they've subpoenaed his records, and he's got records that run all over hell's acre on things for the last few years, uh. You know Herb has been a man who's been moving things around for Maury and keeping things in,

PRESIDENT. Right.

DEAN. in tow and taking care of little polling inferences.

PRESIDENT. What'll he do about those records? Is he going to give 'em all to them?

DEAN. Well, he's, he—they brought his—they, they've gotten to the banks that had them, and I think what we will do is we'll—there'll be a logical, natural explanation for every single transaction.

PRESIDENT. Right.

DEAN. It's just a lot of minutia we've got to go through but we—he's coming in next week and we—I told him we'd sit down and he is preparing everything, getting all that's available, and we're going to sit down with his, with Frank DeMarco, uh, and see if we can't get this whole thing—

PRESIDENT. Now, his records, that is, with regards to the campaign. They can't re—, they can't get his records with regard to his private transactions?

DEAN. No, none of the private transactions. Absolutely—that is privileged material.

PRESIDENT. That's right.

DEAN. Anything to do with San Clemente and, and the like—that is just so far out of bounds that, uh—

PRESIDENT. Yeah. Did they ask for that?

DEAN. No, no, no. No indication.

PRESIDENT. Good. Oh, well, even if it is, I mean—

DEAN. Well, it's just none of their—you know, that's really none of their business.

PRESIDENT. They can't get it. Kalmbach is a decent fellow. He'll make a good witness.

DEAN. I think he will. He has been—

PRESIDENT. He is smart.

DEAN. He has been tough thus far. He hasn't—you know, he has been taking it. His skin is thick now. Uh, sure it bothered him, and all this press he was getting. The L.A. Times has been running stories on him all the time and,

PRESIDENT. Yeah.

DEAN. and the like. Local stations have been making him more of a personality, and, and, his partners have been nipping at him, but Herb's tough now. He is ready and he's going to go through and he's going to—He is hunkered down and he's ready to handle it. So I'm not worried

PRESIDENT. Yeah.

DEAN. about Herb at all.

PRESIDENT. Oh well, it, it'll be hard for him, he—'cause it'll, it'll get out about Hunt. It, it—I suppose the big thing is the financing transaction they'll go after. How did the money get to the Bank of Mexico, and so forth and so on.

DEAN. All that stuff. And then—

PRESIDENT. What'll he say?

DEAN. It can all be explained.

PRESIDENT. It can?

DEAN. Yes, indeed. Yes, sir. They are going to be disappointed with a lot of the answers they get.

PRESIDENT. Yeah.

DEAN. when they actually get the facts—because the Times and the Post had such fun with innuendo. When they get the facts, they are going to be disappointed.

PRESIDENT. The one point that you ought to, you better get to Baker. I tried to get it through his thick skull. I guess it's—his skull is not thick—but tell, tell Kleindienst that Kleindienst in talking to Baker and Ervin should emphasize that the way to have a success-

ful hearing and a fair one is to run it like a court: no hearsay, no innuendo. Now you know God damned well they aren't going to—

DEAN. But, that's a hell of a good point.

PRESIDENT. But don't—no hearsay. Tell them that's the way Nixon ran the Hiss case. Now, as a matter of fact some innuendo came out, but there was God damned little hearsay. We really—we, we just got them on the facts, and just tore them to pieces.

DEAN. That's right.

PRESIDENT. Say "No hearsay; no innuendo". And that, that he, Ervin, should sit like a court there, say, "Now that's hearsay and I don't like it." And tell him that the—and that—and let's have the counsel, the counsel for the, uh, for our people—he gets up there and says, "I object to that, Mr. Chairman, on the basis that it is hearsay."

DEAN. That's an excellent idea, Mr. President, for some of these early articles, as this thing gets steamed up: "Will, will Sam Ervin, Constitutional man, be a judge? Will he admit hearsay?" We can probably get some think pieces out, uh, uh, to get a little pressure on him to perform that way, or to, to make it look very partisan when he doesn't, you know, he lets all this in—

PRESIDENT. I'd like to get some articles out that—no hearsay, no innuendo. There'll be no hearsay, no innuendo. This, this is going to be, shall we say, a model of a Congressional hearing. A model. Now that'll disappoint the God damned press. There's no hearsay, no innuendo, no leaks.

DEAN. Well, uh, there, there are a lot of precedents. I, I've been involved in two Congressional investigations. Uh, one was the Adam Clayton Powell investigation when I was working over there as the Minority Counsel of the House Judiciary. We didn't take hearsay. We made a—we stuck to the facts on that.

PRESIDENT. Uh huh.

DEAN. We did an investigation of the Oklahoma judges. Again, the same sort of thing. We went into executive session when necessary to, uh—I bet—, we look around, we'll find respectable investigations that have been conducted up there that could be held up, and some of this should be, uh, should be coming forth to set the uh,

PRESIDENT. Yeah.

DEAN. the

PRESIDENT. Yeah.

DEAN. stage for these hearings. Well, I'm, uh, I, I'm planning a number of brain sessions to—with some of these media people to, to—

PRESIDENT. I know. Well, it's, it's very important, and it seems like a terrible waste of, of your time. [Unintelligible]. It's, it's important in the sense that, it's—all this business is a battle and they're, they're going to wage the battle. And, uh, a lot of it is their enormous frustration about losing the elections, the state of their party, and so forth. And their party has its problems. We think we've got problems. Look at some of theirs. Strauss is there to pull them all together. He's not doing all that well you know.

DEAN. Well, I was, you know, we've gone a long road on this thing now. I had thought it was an impossible task, uh, to hold together until after the election until things just

PRESIDENT. Yeah.

DEAN. started squirting out, but we've made it this far, and, uh, I'm convinced we're going to make it the whole road and put this thing in, in, in, uh, the funny pages of the history books rather than anything serious. We've got to. It's got to be that way.

PRESIDENT. Would it—it'll be somewhat serious, but the main thing, of course, is also the, the isolation of the President from this.

DEAN. Absolutely.

PRESIDENT. Because it's, because that, fortunately, is totally true.

DEAN. I know that sir.

PRESIDENT. Good God almighty. I mean, of course, I'm not dumb, and I will never forget when I heard about this God damned thing [unintelligible] Jesus Christ, what in the hell is this? What's the matter with these people? Are they crazy? I thought they were nuts. You know, that it was a prank. But it wasn't. It was really something. I think that our Democratic friends know that's true, too. They know what the hell

DEAN. I think they do too.

PRESIDENT. this was. I mean they know that we then wouldn't be involved in such—they'd think others were capable of it, however. I think—and they are correct: They think Colson would do anything. [Laughs] Well, anyway, have a little fun.

DEAN. All right.

PRESIDENT. And now, I will not talk to you again until you have something to report to me.

DEAN. All right sir.

PRESIDENT. Uh, but I think it's very important that you have these talks with, uh, our good friend Kleindienst.

DEAN. That'll be done.

PRESIDENT. Give him that together thing, work it out. We have to work together on this thing. He's the man—I'd build him up—that he's the man who can make the difference. Also point out to him that the fish they're really after—Tell him, look, for Christ sakes, Colson's got brass balls and so forth, but

DEAN. All right.

PRESIDENT. the idea that's really, really to be slugged here is—let's forget this, remember, this was not done by the White House. This was done by the Committee to Re-Elect, and Mitchell was the Chairman, correct?

DEAN. That's correct. And that means that—

PRESIDENT. So, and Mitchell—and Kleindienst owes Mitchell everything. Mitchell wanted him for Attorney General, he wanted him for Deputy, and here he is. Now, God damn it, Baker's got to realize this, and that if he allows this thing to get out he's going to potentially ruin John Mitchell. He won't. I mean Mitchell won't allow himself to be ruined. He's too clever. He'll put on his big stone face act, but—I hope to Christ he does. The point is that, as you well know, uh, that's the fish they are after.

DEAN. That's right.

PRESIDENT. Well, no, the Committee is after somebody at the White House. They, they, they'd like to get Haldeman or Colson, Ehrlichman. They, they've got—

DEAN. Or possibly Dean. You know, who, you know, who's, huh—anybody they can—I'm a small fish, but—

PRESIDENT. Anybody at the White House they would, but in your case I think they realize you are the lawyer and they know you didn't have a God damned thing to do with, with the campaign.

DEAN. That's right.

PRESIDENT. That's what I think. Well, we'll see.

DEAN. All right sir.

PRESIDENT. Good luck.

DEAN. Thank you.

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A RECORDING OF A MEETING AMONG THE PRESIDENT, JOHN DEAN, AND H. R. HALDEMAN ON MARCH 13, 1973, FROM 12:42 TO 2:00 P.M.

HALDEMAN. Say, did you raise the question with the President on, on, uh, Colson as a consultant?

DEAN. No, I didn't.

HALDEMAN. Was that somebody [unintelligible]?

DEAN. It was—the thought was—

PRESIDENT. [Unintelligible]

DEAN. well [unintelligible] it's a consultant without doing any consulting—Yeah.

HALDEMAN. He wanted it [unintelligible]

DEAN. He wants it for continued protection on, uh—

HALDEMAN. Solely for the purpose of, of executive privilege protection. So that—

DEAN. One of those things that's kept down in the personnel office, and nothing's done on it.

PRESIDENT. What happens to Chapin?

DEAN. Well, Chapin doesn't have quite the same problems appearing that Colson will.

HALDEMAN. Yeah but—you have the same, you, you have the same problems as Chapin appearing versus Colson.

PRESIDENT. Well, can't—That would be such an obvious fraud to have both of them as consultants, that that won't work. I think he's right. Uh, you'd have to leave Chapin—

HALDEMAN. Well, you can't make Chapin a consultant. I—we've already said he's not.

PRESIDENT. Yeah.

DEAN. Yeah.

HALDEMAN. 'cause we wanted the separation. The question is, if he—are, are you then, going to let—As of now, the way they have interpreted executive privilege, is that you are not going to let Chapin testify,

PRESIDENT. Anybody.

HALDEMAN. because it applies to executive privilege but—

PRESIDENT. [Unintelligible]

HALDEMAN. by the former people in relation to matters while they were here.

DEAN. And the problem area is that Chuck—

HALDEMAN. That same thing would apply to Colson.

DEAN. Well, yes, if Chuck were truly going to be doing nothing from the, this day on.

HALDEMAN. That's right. He's concerned about what he's doing. Colson's concerned about what he's doing from now on, and he would apply the consulting thing to what, to if he were called regarding actions taken now

DEAN. That's right.

HALDEMAN. that relate to Watergate actions.

DEAN. Probably 'cause, because [unintelligible] he will be out stirring up, you know, uh, counter-news attacks and things of this nature and—

PRESIDENT. Jesus Christ. Is he supposed to do that and be consulting with the President on it?

DEAN. No, no. But he's consulting, uh, it's a, you know, wide open consultantship. It doesn't mean he consults with you.

HALDEMAN. Your idea was just to put this in the drawer, in case [unintelligible]

DEAN. Put it in the drawer, and then—

PRESIDENT. Not decide it.

HALDEMAN. Uh, it would be a consultant without pay.

DEAN. I'd even tell Chuck that, uh, that, well, just tell Chuck something,

HALDEMAN. Better not tell Chuck. Chuck's [unintelligible]

DEAN. is, there is something in the drawer. And just say we—

PRESIDENT. There is no reason to tell Chuck is there? Why—I would, I would tell him that, uh, for—he's not to say anything, frankly.

HALDEMAN. The point would be to date it back last Saturday, so it, it's continuous.

DEAN. Continuous.

PRESIDENT. That, that is his consultant fee stopped, for the present time, but he's still available for purposes of consulting on various problems and the like.

DEAN. Right.

PRESIDENT. Unpaid consultant?

DEAN. Yes.

[Laughter]

HALDEMAN. We have some of those.

PRESIDENT. Good ones.

HALDEMAN. That's right.

PRESIDENT. Well, uh—What are the latest developments Bob should get something on?

DEAN. Yeah. Uh—

PRESIDENT. Before going into that, uh, uh, I was wondering on that, on that, [unintelligible] jackassery about some kid who was infiltrating peace groups, which of course is perfectly proper. Christ, I hope they were. I would hope, I would expect we were heavily infiltrated that way, too.

DEAN. The only, the only problem there, Mr. President, is that—

PRESIDENT. Did he get paid?

DEAN. Uh, he was paid, uh—

PRESIDENT. By check?

DEAN. Uh, he was paid by personal check of another person over there who, in turn, was taking it out of expense money. Uh, when the ultimate source of the money—as best, as quickly as we've been able to trace it—was pre-April 7th money. Uh, there, there could be some potential embarrassment for Ken Ritz, uh, along the way.

PRESIDENT. Oh. Working for him.

DEAN. So he is—But I, I, I think it's a confined situation. Obviously it's something that's going to come up with the Ervin hearings, but, uh, it's not, not another new Liddy-Hunt, uh, operation.

PRESIDENT. Well, it's such a shit-ass way to think.

DEAN. Oh, it is.

PRESIDENT. For Christ sake.

DEAN. It is.

PRESIDENT. I mean, uh, what, what happened to the kid? Did he just, uh, decide to be a hero?

DEAN. That's right. He apparently chatted about it around school, and the word got out, and he got confronted with it and he knew he'd chatted about it, so there he was. It's, uh, absurd; it really is. He didn't do anything illegal. Uh—

PRESIDENT. [Unintelligible.] Apparently you haven't been able to do anything on my

DEAN. But I have, sir—

PRESIDENT. project of take the offensive

DEAN. No, to the contrary.

PRESIDENT. based on Sullivan.

DEAN. No, uh—

PRESIDENT. Did you kick a few butts around?

DEAN. Uh, I have all of the information that we have finished—that we've collected. There is some there, and, uh, I've turned it over to Baroody. Baroody is having a speech drafted for Barry Goldwater. And there's enough material there to make a rather sensational speech just by: "Why in the hell isn't somebody looking into what happened to President Nixon when, during his campaign—look at these events. How do you explain these? Where are the answers to these questions?" Uh, there's enough of a thread. I've—

PRESIDENT. Double standard.

DEAN. Yeah, and I've, I've pulled all the information—

PRESIDENT. Also, the Senator then should also present it to the, uh, to the Ervin Committee and demand that that be included.

DEAN. A letter—

PRESIDENT. He is a Senator.

DEAN. What I'm working on now

PRESIDENT. a Senator—

DEAN. is a letter to Senator Ervin saying, "This has come to my atention, and why shouldn't, uh, why shouldn't this be a part of the inquiry?" And he can spring out of '64 and then quickly to '72. And, and we've got a pretty good speech, uh, Baroody tells me, if we can get out our material.

PRESIDENT. Good.

DEAN. So it's in the mill.

HALDEMAN. Good. [Unintelligible] friends have you got [unintelligible]

DEAN. That's right.

PRESIDENT. Thank God.

HALDEMAN. Why has there never been [unintelligible] come up and did it before?

PRESIDENT. Just wasn't enough stuff. They couldn't get anybody to pay attention. For example, the investigations were supposed to have been taken for the thirty-four million-odd contributed to McGovern in small—Oh Christ, there's a lot of hanky-panky in there, and the records used on it are just too bad to find out anything.

DEAN. That's one of the problems that he has—

PRESIDENT. That's the problem, and can that be an issue?

DEAN. That will be an issue. That we have—There is a crew working that, also.

PRESIDENT. Do you need any IRS [unintelligible] stuff?

DEAN. Uh—Not at the—

WAITER. Would you care for some coffee?

DEAN. No, thank you, I'm fine. Uh, there is no need at this hour for anything from IRS, and we have a couple of sources over there that I can go to. I don't have to fool around with Johnnie Walters or anybody, we can get right in and get what we need.

PRESIDENT. Talk to Elliot Gompers.

DEAN. I've, I've been preparing the, uh, the answers for the briefing book and I just raised this with Ron, uh. It's my estimation, for what it's worth, that probably this week will draw more Watergate questions than any other week you're likely to see, uh, given the Gray hearings, the new revelations about—they're not new, but they're now substantiated—about Kalmbach and Chapin that have been in the press.

PRESIDENT. To the effect of what? They—

DEAN. That Chapin directed Kalmbach to pay Segretti, the alleged saboteur, somewhere between thirty-five and forty thousand dollars. Uh, there is an awful lot of that out in the press now.

PRESIDENT. Yeah.

DEAN. There is also the question of Dean appearing, not appearing—Dean's role. There was more stories in the Post this morning that are absolutely inaccurate, uh, about my turning information over to the

Re-election Committee for uh, uh—some woman over there, Mrs. Hoback, signed an affidavit, gave it to Birch Bayh, said that I was, uh, brought into Mardian's, Bob Mardian's office within forty-eight hours after a private interview I had with the Bureau, and confronted with it. How did they know that? Well, it came from internal sources over there, is how they knew it.

PRESIDENT. From what?

DEAN. Internal sources—this girl had told others that she was doing this, and they just told, uh, just quickly filled her to the top when she was out on her own.

PRESIDENT. [Unintelligible]

DEAN. She did. Said we had two or three of those.

PRESIDENT. Why did she do that? Was she mad?

DEAN. She's a registered Democrat.

PRESIDENT. Why did we take her in?

DEAN. I'll—To this day, I do not understand what she was doing. And she was—

PRESIDENT. Who was she working for?

DEAN. She worked in Stans' operation.

PRESIDENT. [Unintelligible] that was a bright move.

DEAN. It wasn't a good move. He had—in fact, that was one of our problems, was the, uh, the little pocket of women that worked for Maury Stans. No doubt about it, that was—things would have sailed a lot smoother without that pack. Not that they had anything that was devastating.

PRESIDENT. Yeah. Well, now, with regard to the questions, and so forth, sure, uh, it would be my opinion, though, not to, not to dodge it just because there are going to be questions.

DEAN. Well, it's going to be—You're probably going to get more questions this week. And the tough questions. And some of them don't have easy answers. For example, did Haldeman know that, uh, there was a Don Segretti out there? That question is, is likely.

PRESIDENT. Did he? I don't know.

DEAN. He had, he had knowledge that there was somebody in the field doing prankster-type activities.

PRESIDENT. Uh huh.

DEAN. Uh—

PRESIDENT. So I don't know that. [Unintelligible]

DEAN. So at this—I mean that's the other thing—

PRESIDENT. Yes, but what about, what about my taking, uh, basically, just trying to have to fight this thing at one time. I can fight it later, but it's not going to get any better. I don't think that the way to get into this, did he know or not, I think the thing to say "This is a matter being considered by a committee and I'm not going to comment upon it while it's being—I don't want to get into the business of taking each charge

that comes up in the Committee and commenting on it. It is being considered by, and it's being investigated. I'm not going to comment on it."

DEAN. Well, that's, that's exactly the way I drafted these. I have kept them general answers.

PRESIDENT. And I just cut them off. No. If I start getting, I think, John, if I start breaking down—it's like on the Court thing—the Watergate stuff, I'm not going to comment on it. I know all of these questions. "I am not going to comment on that. That's a matter for the Committee to determine." Then, I'll repeat the fact that I, as far as the Watergate matter is concerned, there was no knowledge there, I am not going to comment on anything else. Let the Committee find out. What would you say? You don't agree?

DEAN. Well, uh, the bottom line, on, on a draft that—before I came over for [laughs] lunch—was, well, if you have nothing to hide, Mr. President, here at the White House, why aren't you willing to spread on the record everything you know about it? Why doesn't the Dean Report be made public? Why doesn't everyone come out? Why does Ziegler stand out there and bob and weave, and no-comment? That's, that's the bottom line.

PRESIDENT. Well, all right. What do you say to that?

DEAN. Well—

PRESIDENT. You—we are furnishing information. We will do something.

DEAN. I think we—well, of course, we have—

PRESIDENT. We have cooperated.

DEAN. We have cooperated with the FBI in the investigation of the Watergate.

PRESIDENT. That's right.

DEAN. We will cooperate with the investigation of, a proper investigation by the Senate.

PRESIDENT. Right. We will make statements.

DEAN. And, indeed, we have nothing to hide.

PRESIDENT. We have furnished information; we have nothing to hide. So we have [unintelligible] have to handle it.

DEAN. Uh huh.

PRESIDENT. What else can we do, really. I mean, we can't—you see, I can't be in the position of basically hunkering down because we got a lot of tough questions on Watergate, and not go out

DEAN. True.

PRESIDENT. and, and talk on other issues because they're going to be, they're embarrassing. It's not going to get better. It's going to get worse. Do you agree?

DEAN. That's—I would agree. I think it's cyclic somewhat. I think after the Gray thing takes one course one way or the other, there'll be a dead period of news on Watergate until the Ervin hearings start again.

PRESIDENT. Yeah.

DEAN. Uh, this has obviously sparked the news again.

PRESIDENT. Well, let me just, just run over the questions again. Now, isn't it best, "What about Mr. Haldeman, Mr. Segretti, and so forth." "That's a matter which is being considered by a Senate committee; I'm not going to comment on it." That's true, isn't it?

DEAN. That's correct. That's specifically

PRESIDENT. [Unintelligible]

DEAN. spelled out in their resolution that they will—

PRESIDENT. I am not going to comment on that one [unintelligible] being considered by a committee. [Unintelligible] as I have already indicated. Uh, I am just not going to comment on it. You already indicated my views on the Watergate thing.

DEAN. Did Mr. Chapin's departure have something to do with his involvement with Segretti?

PRESIDENT. No. The answer's "No." And, uh, "But what about, uh, what about Mr. Dean?" My position is the same: "We are going to be—We were—We've been cooperative. We cooperated with the Justice Department, with the FBI—completely—in trying to, in furnishing information that was relevant in this matter. We will cooperate with the Committee under the rules that I have laid out in my st—my statement on executive privilege." Period. Now what else? Let's see.

DEAN. Well, then, you'll get a barrage of questions probably on, will you supply, will Mr. Haldeman and Mr. Ehrlichman and Mr. Dean go up to the Committee and testify?

PRESIDENT. No. Absolutely not.

DEAN. Mr. Colson.

PRESIDENT. No. No.

DEAN. I think that's—

PRESIDENT. No. Absolutely not. I—No. It isn't a question of, the question is not—under what, uh, or somebody, or Ziegler, or somebody had said that, uh, that we, we in our executive privilege statement it was interpreted as being that we would not furnish information. Oh, well. We said we will furnish information, but we're not going to publicly testify. That's the position. But, will Dean, and all the rest, will they furnish, you'll furnish information, won't you?

DEAN. Yes. Indeed I will.

PRESIDENT. Yeah. Sure.

DEAN. Well, I think possibly by the time—

PRESIDENT. See, that's what I do. My feeling, John, is that I better hit it now, frankly, as tough as it is, and, uh, rather than just let it build up to where we, we're afraid of these questions and everybody and so forth, and let Ziegler get out there and bob and weave around. I know the easier thing is just to bug out, but I'd rather hit it now.

DEAN. You're right. I was afraid for the sake of debate, 'cause I was having reservations. And, uh.

PRESIDENT. I think so.

DEAN. uh, it is a, it, it's a bullet-biter and you just got to do it, and, because they're not going to go away, the questions. Now the other thing that we talked about in the past, and I, I still have the same problem, is to have sort of a "Well, here it all is" approach. Uh, if we do that—

PRESIDENT. And let it all hang out.

DEAN. And let it all hang out, uh,

PRESIDENT. Yeah.

DEAN. uh, let's say with the Segretti situation—

PRESIDENT. I guess, I guess if we were going to do that, we have passed that point.

DEAN. We have passed that point plus the fact, they're not going to believe the truth. That's the incredible thing.

PRESIDENT. They won't believe the truth, they don't even believe when they convinced seven people.

DEAN. That's right. They will continually try to say that there is [unintelligible]

PRESIDENT. They'll say, "Haldeman did it." And then they'll say I did it.

DEAN. That's right.

PRESIDENT. I don't think they'll get to that point. They might question his political savvy, but not mine. Not on a matter like that.

DEAN. [Laughs.] No. Well, the thing on Sullivan which I have. Sullivan, uh, who as I told you, and, have been prompting him and I said, "Bill, I would like, for my own use, to have a list of some of the horribles that you're aware of." Well, he hasn't responded back to me, but he sent me a note yesterday saying that, "John, I am willing at any time to testify to what I know if you want me to." What he has, as we already know, has got a certain degree of, uh—it's a, it's a dynamite situation what he's got already—the '68 bugging, the surveillance that Goldwater [unintelligible]

PRESIDENT. It's not—we [unintelligible] on the '68 bugging, that it was ordered, but he doesn't know whether it was carried out.

DEAN. That's right. Uh—

PRESIDENT. But at least he will say that—

DEAN. Yes.

PRESIDENT. Tell them, for example, I mean I—

DEAN. I would think—

PRESIDENT. That kind of thing.

DEAN. Well, I've never talked to Bill about this so it must be—I've never really gone into detail, because he's always been very up close about it, but he now getting to the point if, if we wanted him to do this, someone—

and I don't think the White House should do it—should sit down with him and really take him over cross-examination of what he does know and, and how strong it is, what he can, can substantiate.

PRESIDENT. John, who the hell could do it if you don't?

DEAN. Well, that's, that's probably—there's no one. That's the, uh—

PRESIDENT. That's the problem.

DEAN. That's the problem. Now, the other thing is, if we were going to use a tactic like this: Let's say in the Gray hearings

PRESIDENT. [Unintelligible]

DEAN. where everything is cast that, that we're, we're, that we're the political people and they're not—that Hoover was above reproach, which is just not accurate.

PRESIDENT. Bull shit. Bull shit.

DEAN. Total bull shit. The, uh, the person who could, would destroy Hoover's image is going to be this man, Bill Sullivan. Uh, that's what's at stake there. Also, it's going to tarnish quite severely, uh—

PRESIDENT. Some of the FBI.

DEAN. Some of the FBI. And a former President.

PRESIDENT. Fine.

DEAN. Uh, he's going to lay it out, and he, it's just all hell is going to break loose once he does it. It's going to change the atmosphere of the Gray hearings. It's going to change the whole atmosphere of the Watergate hearings.

PRESIDENT. Not much.

DEAN. Now the risk—

PRESIDENT. How will it change, John?

DEAN. How will it change? Because it'll put them in context that, that, uh, a government institute was used in the past for the most flagrant political purposes.

PRESIDENT. How does that help us?

DEAN. How does it help us?

PRESIDENT. I'm being. I'm just being—

DEAN. Yeah, I, I appreciate what you are doing.

PRESIDENT. Red herring. Is that what you mean?

DEAN. Yes. It's a, it's a red herring. It's what the public already believes. It's just that people would just, I would say react, that, oh Christ, more of that stuff. Uh, they're all, you know, they're all bad down there. Because it's a one way street right now—

PRESIDENT. [Unintelligible]

DEAN. Pardon.

PRESIDENT. Do you think the press would use it? They may not play it.

DEAN. It'd be difficult not to. Uh, it'd be difficult not to.

PRESIDENT. Why is it that Sullivan'd be willing to do this?

DEAN. I think the, the quid pro quo with Sullivan is that he wants someday back in the Bureau very badly.

PRESIDENT. That's easy.

DEAN. That's right.

PRESIDENT. Do you think after he did this to the Bureau that they'd want him back? "They," if there is a "they."

DEAN. Uh, probably not. But I think that, uh, he could also possibly do—What, what Bill Sullivan's desire in life is, is to set up a national, or domestic national security intelligence system, a plan, a program. He says we're deficient. Uh, we've never been ef—, efficient, since Hoover lost his guts several years ago. If you recall, he and Tom Huston worked on it. Uh, Tom Huston had your instruction to go out and do it. Then the whole thing just crumbled.

PRESIDENT. Do you think Hoover would have cooperated?

DEAN. That's all Sullivan really wants. Even if we just put him off studying it for a couple of years, we could put him out in the CIA or some place else where he felt—

PRESIDENT. Put him there; we'll do it.

DEAN. I think that's what the answer is. I've never really—

PRESIDENT. No problem with Sullivan. We'll put him—I mean, he's a valuable man. Uh, now, would the FBI then turn on him, piss on him?

DEAN. There would be some effort at that. That's right, they would say he's disgruntled. He was canned by Hoover. He is angry, he's coming back. But that would kind of, I would think a lot of that would be lost in the, uh, in the shuffle of what he is laying out. I don't know if he's given me his best yet. I don't know if he's got more ammunition than [unintelligible] he has already told me. Those were just a couple off-the-cuff remarks.

PRESIDENT. And that's why you said that—Why do you think he is now telling you this? Why is he doing this now?

DEAN. Well, the way it came out is, when I, when the Time Magazine article broke on the fact that it charged that the White House had directed that newsmen and White House staff people be, uh, subject to some sort of surveillance for national security reasons, I called, in tracking down what had happened, I called Sullivan and I said, "Bill, you'd better come over and talk to me about that and tell me what you know." I was calling him to really determine if he was a leak. That's one of the reasons. I was curious to know where this might have come from because he was the operative man at the Bureau at the time. He's the one who did it. Uh, he would not, you know, he came over and he was shocked and, uh, distraught, and, and the like [unintelligible] his own, uh, uh, his own [unintelligible] [laughs] frankly, uh, and then, and after going through his explanation of all what had happened, he started volunteering this other thing. He said, "John, what, this is the only thing I can

think of during this administration that has any taint of political use but it doesn't really bother me 'cause it was a national security purpose. These people worked—there was sensitive material that was getting out, was getting out to reporters."

PRESIDENT. [Unintelligible] what we ordered?

DEAN. That's right.

PRESIDENT. Of course, [unintelligible] the stuff was involved in the God damned Vietnam War.

DEAN. That's right.

PRESIDENT. That's what it was.

[NOTE.—At this point, a portion of this discussion has been deleted.]

DEAN. But he said, "John, what does bother me is that you all have been portrayed as politically using—"

PRESIDENT. And we never did.

DEAN. And we never have. He said the Eisenhower Administration didn't either. The only

PRESIDENT. Never.

DEAN. times that he can recall that there has been a real political use has been during Democratic tenure. I said, "For example, Bill, what are you talking about?" Then he told me this example of, of, uh, the Walter Jenkins affair, when DeLoach

PRESIDENT. Yeah.

DEAN. and, and Fortas, and—

PRESIDENT and DEAN. [Unintelligible]

PRESIDENT. The Kennedys, the Kennedys used it, let me say, politically on that steel thing.

DEAN. That's right.

PRESIDENT. That was not, that was not a national security, was it?

DEAN. No. Now I asked, uh, I asked somebody about that and they told me that what happened there is that, uh—they were being defensive of Kennedy, and so that the person who would defend Kennedy necessarily—was saying that Kennedy had given Hoover orders and Hoover, being typical in his response, tried to get it yesterday as far as the answer for the President. And that's why he sent people out in the middle of the night and the blame really fell on Hoover. And, and this might be [unintelligible] over there though, who knows.

PRESIDENT. [Unintelligible]

DEAN. Well, that's right.

PRESIDENT. It's still wrong.

DEAN. That's right. Sure.

PRESIDENT. Good God. Can you imagine if somebody—steel company that had raised hell about, uh, or an automobile company, about something, silly thing, Ruckelshaus does, and we send FBI agents out to arrest? Jesus Christ, now. Does he know about the bugging of Martin Luther King?

DEAN. Yep.
PRESIDENT. I wonder if he'd tell that, that would be good.
DEAN. I think he would tell everything he knows.
PRESIDENT. You do?
DEAN. Uh huh. That's why I'm saying he is, he is, he is a trem—he's a bomb. Uh, now the fact is—
PRESIDENT. You really have to keep telling—
DEAN. Well, if that's, that's the, the real problem is, how it's structured, how can it be done. Uh, he sent me this note and I called up and I said, "Bill, I appreciate getting that note very much." I said, "It takes a lot of guts to send a note like that to me." And he said—I said, "It's kind of a pleasure to see a man stand up, blowing a little smoke up him and the like." Uh, he said, "Well, John, I mean it. I am perfectly willing to do anything you want. If you want me to go up and testify, I will." I said, "Well, how much, you have just given me some tidbits that you, in our conversation and I would really like to again repeat: Can you put together what you do know; just for your own use right now, just put it together on a pad, go through all your recollections; and then also tell me how you can substantiate it, and, what kind of cross-examination you might be subject to on it if you did testify." So he is doing that. Now, the question I've, I've had is, how in the world can we program something like this? The, wa— I, I just have a feeling that it would be bad for one Bill Sullivan to quietly appear up on, uh, on some Senator's doorstep, and say, "I've got some information you ought to have." "Well, where did you get it? Where—why are you up here?" "The White House sent me." That would be bad. The other thing is, maybe this information could be brought to the attention of the White House, and the White House could say to the, uh, to, uh, Eastland, "I think you ought to call an executive session and hear his testimony. This is quite troublesome, the information that has been presented to us. It's so troublesome, we can't hold it here and hope to, uh, and rest comfortable."
PRESIDENT. Why, why on the other hand doesn't he just present it to Eastland? I mean, uh—Why executive session? That doesn't serve—
DEAN. Well it would, one, because you're trying—The first approach would be not to destroy the Bureau, not to tarnish the name. It's going to leak out of there, though, quite obviously. If it doesn't, we'd make sure it did. Uh—[coughs]. If, if, uh, Sullivan went up to Eastland cold and just said, or Hruska, I would think they would say, "Go on back down to the Department of Justice where you work, and let's not start all this."

PRESIDENT. Suppose another thing, Patrick Gray says to either Eastland or to, or to Hruska or anybody on that Committee—Who is the tiger on the Committee on our side, on the Committee, the Judiciary Committee?

DEAN. Cook's—

PRESIDENT. [Unintelligible]

DEAN. Gurney, Gurney has been good. Gurney was good during the ITT hearings, and he—he'll study, he'll get prepared. Uh—

PRESIDENT. But, would he go after the Bureau? [Unintelligible]

DEAN. They're not going after the Bureau. What they are doing is, they're taking the testimony of somebody who is going after the Bureau.

PRESIDENT. Yeah. I know that. I'm just thinking of the—

DEAN. Yeah.

PRESIDENT. They all look down the road and see what would be the result of what they are doing is, won't they? I would think so. I mean, I'm just trying, how—Would they go after Johnson? Let's look at the distant future. Uh, look at the—How bad would it hurt the country, John, to have the FBI so terribly discredited? [Unintelligible]

DEAN. [Unintelligible] I've, I've, kicked this around with Dick Moore, these, these broader questions, and, I think it would be damaging to the FBI, uh, but maybe it's time to shake the FBI and rebuild it.

PRESIDENT. [Unintelligible]

DEAN. I'm not so sure the FBI is everything it's cracked up to be. I, I'm convinced the FBI isn't everything the public thinks it is.

PRESIDENT. No.

DEAN. I know quite well it isn't.

PRESIDENT. [Unintelligible] if you could get, uh, Jerry Wilson in there rather than a political appointee. What is your feeling at the moment about Gray? Can he hang in? Should he? I don't know.

DEAN. Uh—

PRESIDENT. Awfully close.

DEAN. I—they're going to vote this—They have an executive session this afternoon to invite me to testify.

PRESIDENT. Sure.

DEAN. Uh, there's no question, they're going to invite me. Uh, I would say, based on how I handle the: (1) the formal letter that comes out of the Committee asking for information, and I programmed that they do get specific, just what in the hell do they want to know that I've got, and lay it out in the letter that's sent down here asking me to appear so I can be responsive, fully—

PRESIDENT. Respond to the letter.

DEAN. Respond to the letter in full. I think I have. I feel I have nothing to hide, as far as, uh, the issue they've raised.

PRESIDENT. Would you respond under oath?

DEAN. I think I would be willing to, yes.

PRESIDENT. That's what I'd say because that's what I am preparing in the press thing. I'll say you'll respond under oath in a letter. You will not appear in a formal session.

DEAN. That's, that's our present position.

PRESIDENT. What if they say, what if they say, "Would he be willing to be questioned under oath?"

DEAN. That's not what the question is. Yes, I'd be willing to be questioned under oath, but we're not going up.

PRESIDENT. No, no. But here?

DEAN. Oh, I think that would be a hell of a bad precedent.

PRESIDENT. Okay. I just wanted to be sure we don't cross that bridge. I agree. You—but you would respond to written interrogatories.

DEAN. That's right.

PRESIDENT. That's it. Okay.

DEAN. Now, uh, after, after that, if we've been responsive, their argument for holding up Gray's confirmation based on me is, should be gone. Sure, they're going to say it raises more questions than it answers, but if we're—but that can go on forever. We've taken the central points they want answers to, given them the responses, that puts something in Eastland's hand that can say, "All right, it's time, it's time to vote." And Eastland says he's got the votes to get Gray through. Now, but what happens on the Senate Floor is something else, 'cause Byrd is opposing Gray. Byrd's got good control of that Southern bloc.

PRESIDENT. Not totally.

DEAN. No.

PRESIDENT. Byrd is running for leader of the whole Senate. A lot of them may desert him on this.

DEAN. But Mansfield, on the other hand, of course, has come out and said that he favors, initially he supported Gray's, uh, confirmation.

PRESIDENT. My feeling is that they would like [unintelligible], I think that they'd like to have a, an excuse not to do it. Maybe they'll use, not you, but all this crap about hearings [unintelligible]

DEAN. Well if they say, if they say they have to hold up Gray's confirmation until the Watergate hearings are completed—

PRESIDENT. Oh—That's great.

DEAN. That's the vehicle—

PRESIDENT. The best of both worlds for us, John.

DEAN. That's right.

PRESIDENT. because Gray, in my opinion, should not be the head of the FBI. Not because of any character or other flaws or thoughtless flaws, but because he is going to be too much like Kleindienst. After going through the hell of the hearing, he will not be a good Director, as far as we're concerned.

DEAN. I think that's probably true. He'll be a, he'll be a very suspect Director. Not that I don't think Pat won't do what we want. I, I read him a little differently than Dick in that regard. Like he's still keeping close touch with me. He's calling me. He's given me his private line. We talk at night, just how do you want me to handle this, so and so forth. So he still plays, playing in tight and still being involved. But I think he—

PRESIDENT. But he couldn't do it.

DEAN. But he can't do it. He's under, he's going to be under such surveillance by his own people—watch every move he's making—uh, that'll be the difficult thing for Pat. Not that Pat wouldn't want to still play ball, but he may not be able to.

PRESIDENT. I agree. That's what I meant.

DEAN. Pat has already gotten himself, himself, in a situation where he's got this Mark Felt as his number two man. These other people are surrounding him. If you put a guy like Jerry Wilson in there he could just, you know, wipe this, and say, "Gentlemen, I'm putting my own team in, and I'm going to bring people in I've met around the country who are good office directors; Sacks out of Chicago," wherever, and just put his own team together for the, for the Headquarter's Office.

PRESIDENT. So where do you come out?

DEAN. Gray's already been locked into, to major personnel decisions. I wouldn't be surprised to see [unintelligible] occur if they say that they cannot go forward with Gray's hearings because of the Watergate.

PRESIDENT. Where would that be done, John, at what point in the Committee or on the Floor or both?

DEAN. It could happen. It would certainly be voted on first in the, uh, uh, in the Committee, in the Judiciary Committee.

PRESIDENT. [Unintelligible]

DEAN. The question is, then, whether, uh, it'll be put on the calendar by the leadership. I assume that that's—

PRESIDENT. The leadership might determine that we will not put it on the calendar until after the Watergate hearings.

DEAN. That's right.

PRESIDENT. Then we could then, Gray could then come in and say I will not wait that long.

DEAN. And they'll—when they—you're—"This, you're, this is damaging to the leadership of the FBI, and I will have to withdraw based on this." What would be nice

for all would be to get Gray voted out of the Committee

PRESIDENT. Yeah.

DEAN. with a, with a positive vote, uh, enough to get him out of Committee, and then lock him at limbo there.

PRESIDENT. What is Moore's judgment about Sullivan? Does he know?

DEAN. Yeah, he's uh, uh, he says it's a piece of dynamite. He says it depends and we both agree, that it, it—the way it would be done would be a secret, whether it was done. Whether—this isn't the sort of thing we could just leap out and do. Have to be very carefully thought through. Have to be—have to decide in advance should the White House not be involved or should we be involved? If we're going to play with it, we are going to probably have to say that we were involved and structure it in a way that there is nothing improper with our involvement.

PRESIDENT. The difficulty with the White House being involved is that if we are involved in pissing on Johnson [unintelligible] that concerns me.

DEAN. That's right.

PRESIDENT. That's why it really ought to be, I mean—
If he could just—

DEAN. I suppose the answer is saying, to, to have him—to say to him—

PRESIDENT. [Unintelligible]

DEAN. You've got, you know, this is something—"What you've, you've intimated a few things to me, uh. The proper place to take that information is to the Senate Judiciary Committee or to the Attorney General, possibly." And then have Dick take it to the Committee. Or is that too close to the President, still?

PRESIDENT. First hand, if he takes it to the Committee, it's better if the Committee's conducting a hearing. [Unintelligible]. Wait a minute, he works for the Attorney General, doesn't he.

DEAN. That's right. If he takes it to Kleindienst, Kleindienst is going to say, "Bill, just don't do it because you are going to take DeLoach's name down with it, and DeLoach is a friend of ours."

PRESIDENT. Bull shit.

DEAN. Something I have always questioned.

PRESIDENT. Nobody is a friend of ours. Let's face it. Don't worry about that sort of thing.

DEAN. Well, it's something I will, uh, I think I ought to [unintelligible] kick around with Dick Moore, 'cause—

PRESIDENT. Yeah.

DEAN. But first of all, I've got to, uh, just have to be thought through every inch of the way. It came here

PRESIDENT. Sure.

DEAN. late yesterday afternoon.
PRESIDENT. Sure.
DEAN. It was not—Bob said, uh, when I talked to him, he said he was quite excited about it, as Ehrlichman said, gave a very favorable "Uh huh." Uh, and I said, "Well, I'm not going to rush anything on this. It's—We've a little bomb here that we might want to drop at one"
PRESIDENT. Yeah.
DEAN. "point down the road."
PRESIDENT. Yeah, yeah.
DEAN. Maybe, maybe the forum to do it is something totally out of the Committee context between the Gray confirmation hearings and the Watergate hearings. Maybe let him go over to United States News, or who knows what it would be, but we ought to consider every option, now that we've got it, and see if—
PRESIDENT. Rather than doing it in a hearing, doing it in the press. Then that will force the hearing to call him. That's another way you can do on this. Have him be selected to.
DEAN. Give an interview.
PRESIDENT. to give an interview. I would do it in United States News. Do it in [unintelligible] wire service guy or something. A respected damn reporter. Why not go to a jackass like Mollenhoff? No, he's too close to use.
DEAN. Well, that's interesting. Now, Mollenhoff is, is close but by God, you can't program Mollenhoff to do anything.
PRESIDENT. No.
DEAN. And if, uh—
PRESIDENT. No. And also, we are in a position on Mollenhoff, who's been fighting us some, that maybe, maybe Mollenhoff would be a pretty good prospect for this thing because it's the kind of a story he loves, he digs on some. You couldn't tell him, however, uh [unintelligible] story part. Or Sullivan just goes to talk to him, says, "Well, now, hell, you're a hell of a, hell of a guy, and, uh, I just want to tell you a few things."
DEAN. Or, can you call Clark and say—can I call Clark and say, "Listen, Clark, a guy has brought me a piece of dynamite I don't even want in the White House?"
PRESIDENT. He will write that, though, won't he?
DEAN. Yeah. Because that'd look like that's a set-up deal. Well, Clark Mollenhoff is the first guy to uncover
PRESIDENT. Yeah.
DEAN. [unintelligible] anything, and he will say no way.
PRESIDENT. But he's willing to do it.
DEAN. Uh huh.
PRESIDENT. That's very important, at least.
DEAN. Uh huh.

PRESIDENT. Broadens the scope. Getting to the bottom of the whole thing, don't you feel that that's the need here is to broaden the scope of the damned thing, instead of—

DEAN. The focus is right on us. That's the problem.

PRESIDENT. Yeah. Nothing on the Democrats, and nothing.

DEAN. Nothing.

PRESIDENT. nothing on what the previous three Administrations did.

DEAN. Nothing. It's making.

PRESIDENT. Yeah.

DEAN. well, it, it—of course it's still a Washington story. You go out of this city

PRESIDENT. I know.

DEAN. and you can't find anybody that even knows what's happening. Although it's increased in the network coverage. That NBC thing last night, which is just a travesty as far as—the very thing Ron was talking about, about shabby journalism. They took the worst edited clips they could, out of context, to respond to things they would say on the lead and they would have a little clip of Ron saying, "Well, I deny that." And he was denying something totally other than what they were talking about in their charge. It was incredible. Someone is going through and putting that all together right now, and, Ron ought to be able to have a field day back with that one on NBC. It was just ver—, it was very, very dishonest television reporting of a sequence of events. It was out of sequence.

PRESIDENT. Well, you see, John—Yeah. I know the situation. Ervin gets up there and, you know, gassing around, he was huffing and puffing about his being a great Constitutional lawyer and all. I guess it just makes us wonder about our first decision, doesn't it, [unintelligible] about sending Gray up. Probably a mistake, but then, we didn't anticipate—

DEAN. Well—

PRESIDENT. Or you think not. Who knows?

DEAN. Who knows? That's right. Uh, if you didn't send him up, why didn't you send him up. Because he was—

PRESIDENT. Right. I know. That's what they—

DEAN. That's true.

PRESIDENT. That's what they—You send somebody else up to take them on, not a big clown. You know what I mean?

DEAN. Yeah.

PRESIDENT. I won't even announce any [unintelligible]. I think the problem is, the reason that the Senate was not [unintelligible] being reasonable was because [unintelligible] a lot of this stuff hanging out there [unintelligible] Ervin Committee.

DEAN. Well, we, you know, one, one thing is that I, the saturation level of the American people on this story is [laughs] depressing. Pretty close—in fact [laughs] the saturation level in this city is getting pretty high now. They can't take too much more of this stuff.

PRESIDENT. Think not?

DEAN. Nothing, nothing really new is coming out.

PRESIDENT. Some kid, they said—I don't think that anybody, incidentally, will care about somebody infiltrating the peace movement that was demonstrating against the President, particularly on the war in Vietnam. Do you think so?

DEAN. No.

PRESIDENT. Anyway, I don't care about that. What happened to this Texas guy that took his money back? Was he—

DEAN. All hell broke loose for him after. This was Allen.

PRESIDENT. No, no. Allen—yeah.

DEAN. Allen, not Duncan, there were two—

PRESIDENT. Nothing to do [unintelligible]

DEAN. [Unintelligible]. All hell broke loose for Allen for this reason: He, uh, uh—The money apparently originally came out of a subsidiary of one of Allen's corporations down in Mexico. It went to a lawyer in Mexico who put it down as a fee billed to the subsidiary. Then the, then the lawyer, the Mexican lawyer, sent it back into the States, and it came back up here. But, the weakness of it is, is, uh, the Mexican lawyer: (1) didn't have a legitimate fee; (2) it could be corporate contribution. So Allen wanted, and Allen had personally put a note up with the corporation to cover it. But Allen is meanwhile having problems with his wife, and a divorce is pending, and tax problems. So he—

PRESIDENT. [Unintelligible]. The only problem I saw there was where you put it off—lay it off—[unintelligible] the fact that it was being used for Watergate.

DEAN. That's—I don't know why that went in the letter. I, uh—it wasn't used for the Watergate. That's the, that's the interesting thing.

PRESIDENT. It wasn't?

DEAN. No. It was not. What happened is these Mexican checks came in. They were given to Gordon Liddy, who said, "What do we—why don't you get these cashed?" Gordon Liddy, in turn, took them down to this fellow, Barker, in Florida, and said, "Would you cash these Mexican checks." Uh, and so that's how they went through Barker's bank account back in here. They could have been just as easily cashed at the Riggs Bank. There was nothing wrong [laughs] with the checks. Why all that rigamarole? It's just like a lot of other things that happened over there. God knows why it was all done. It was totally

unnecessary, and it was money that was not directly involved in the Watergate. It wasn't a, a wash operation to, to get money back in to Liddy, and the like.

PRESIDENT. Who is going to be the worst witness up there?

DEAN. Sloan.

PRESIDENT. Unfortunate.

DEAN. Without a doubt. He's—

PRESIDENT. He's scared?

DEAN. He's scared. He's weak. He has a, uh, a compulsion to, uh, cleanse his soul by confession. Now, we're, he's going, we're giving him a lot of stroking, uh, telling him you're doing a beautiful job. The funny thing is, this fellow goes down to the Court House here before Sirica, testifies [laughs] as honestly as he can testify, and Sirica looks around and calls him a liar. [Laughs] He's a sad—Sloan can't win. So Kalmbach has been dealing with Sloan. Sloan [unintelligible] as a child. Kalmbach has done a lot of that. The person that will have the greatest problem with—as a result of Sloan's testimony is Kalmbach and Stans. So they're working closely with him to make sure that he settles down.

PRESIDENT Kalmbach will be a good witness.

DEAN. Oh yes.

PRESIDENT. Knowing what Kalmbach has been through.

DEAN. Kalmbach has borne up very well. In fact, I decided he may be—

PRESIDENT. Kalmbach, Kalmbach, of course, this is somewhat embarrassing, he is, they say, lawyer for the President. Well, hell, I don't need a lawyer. He handles that, that property out there.

DEAN. He's sensitive on that point. He, uh, over—he saw a briefing, uh, saw a transcript of a, of a briefing where Ron was saying, "Well, he's really not, that's not the right nomenclature, this 'personal attorney'." Herb said, "Well, gee whiz. I don't know if Ron knows what all I do." And I said, "Herb, well, don't worry about it."

PRESIDENT. Well, what I meant is that this—I don't care about that, but I meant, it's just the fact that it's played that way, as if he's in, that I am, he's in talking to me all the time. I don't ask him [unintelligible]

DEAN. I know that.

PRESIDENT. I don't talk to him about anything. I mean, I don't know, I see Herb once a year when he brings the income tax returns.

DEAN. That's right.

PRESIDENT. I'm sure that he, he handles that San Clemente property and all the rest, but he's, he isn't a lawyer in the sense that most people have a lawyer.

DEAN. No, no. Although he didn't even handle the estate plan, he's done some, you know, dove-tailing on it, like—

PRESIDENT. Well, but anyway, we don't want to back off of him.

DEAN. No. Anyway he's solid. He's solid.

PRESIDENT. He will, uh, how does he tell a story when he gets, [unintelligible]? He's got a pretty hard row to hoe, he and Stans have.

DEAN. He'll be good. He's going over every—Herb is the kind of guy who will check, not once, not twice, on his story, not three times, but probably fifty to a hundred times. Literally. He will go over it. He will know it. There won't be a hole in it. He'll have thought it—he, he'll do his own Q. and A. He'll be—have people cross-examine him from ten ways.

PRESIDENT. Good.

DEAN. He will be ready, as John Mitchell will be ready, as Maury Stans will be ready.

PRESIDENT. Yeah.

DEAN. Uh, it's, uh—

PRESIDENT. Mitchell is now studying, is he?

DEAN. He is studying. Sloan will be the worst witness. I think Magruder will be a good witness. This fellow, Bart Porter, will be a good witness. They've already been through it, they've been through Grand Jury. They have been through trial. Uh, they did well. [Coughs] And then, of course, people around here

PRESIDENT. I [unintelligible]

DEAN. Won't be witnesses.

PRESIDENT. They won't be witnesses.

DEAN. won't be witnesses.

PRESIDENT. Hell, no. They will make statements. That's—That'll be the line which I think we've got to get across to Ziegler, in all of his briefings where he is constantly saying we will furnish information. That is not the question. It is how it's to be furnished, and we will not furnish it in a formal session. That would be to break down the privilege. Period. Do you agree with that?

DEAN. I agree. I agree. I have always thought that's the bottom line, and I think that's the good thing about what's happening in the Gray hearings right now. If we, they send a letter down with specific questions, I send back written interrogatories, sworn. You know, as a, as a lawyer, that, uh, you can handle written interrog—, interrogatories, where cross-examination is another ball game.

PRESIDENT. I know.

DEAN. They can—you can make a person look like they're inaccurate even if they're, even if they are trying to tell the truth.

PRESIDENT. "Well, now, really, you sh—, you can't mean that." You know, uh, I know—All their face-making and all that crap. I know; [unintelligible]. Written interrogatories you can—

DEAN. Can be artfully, accurately answered and give the full information.

PRESIDENT. [Unintelligible] that there will be total and full [unintelligible]. Well, what about the sentencing. When the hell is he going to sentence?

DEAN. We thought he was going to sentence last Friday. Uh,

PRESIDENT. I know; you've said that.

DEAN. no one knows what in the world Sirica is doing. It's getting to be a long time now. It frankly is.

PRESIDENT. [Unintelligible]

DEAN. And no one really has a good estimation of how he will sentence. There's some feeling that he will sentence Liddy the heaviest. Liddy's already in jail; he's in Danbury. He wants, he wanted to start serving so he can get good time going. Uh, but Hunt, he'll probably be very fair with.

PRESIDENT. Why?

DEAN. Pardon?

PRESIDENT. Why? Why Hunt?

DEAN. He likes Hunt. He liked Hunt. He thought Hunt was being open with him and candid, and Hunt gave a statement in open court that he didn't know of any higher-ups involved and, and, uh, Hunt didn't put him through the rigors of trial, and Hunt was a beaten man, the loss of his wife, uh, was ill, they tried to move and have a, him severed from the trial. And Hunt didn't cause a lot of problems. Bittman was cooperative, uh. Whereas Liddy played the, played the heavy in the trial. His lawyer raised all the objections and the like, and embarrassed, uh, the judge for some in-chambers things he'd said, and—

PRESIDENT. But Liddy's going to appeal the sentence?

DEAN. Liddy is going to appeal the decision, uh, the trial. He will appeal, appeal that.

PRESIDENT. He will appeal the trial?

DEAN. Trial—And there's—

PRESIDENT. He was convicted.

DEAN. There is an outside chance that this man has gone, this judge has gone so far in his zeal to be a special prosecutor—

PRESIDENT. Well, some of those statements from the bench—

DEAN. Incredible statements.

PRESIDENT. To me, to me, incredible.

DEAN. Commenting on witnesses' testimony before the jury, was just incredible. Incredible. So he may have, there may be a mistrial. I don't—There may be reversible error, even. I don't know.

PRESIDENT. What about the Cubans?

DEAN. The Cubans will probably be thought of as hired hands, and nowhere near the sentences of Liddy, I would think. Uh, not all of them. Barker, uh, the

lead Cuban, may get more than the others. It's hard to say. I, you know, I just don't have any idea. Sirica's a strange man. He is known as a hanging judge. Uh—

PRESIDENT. That's the kind that I want.

DEAN. That's right. [Laughs]

PRESIDENT. I understand.

DEAN. That's right. He's tough. He, he is tough. Now, the other thing, Sirica—there was some indication that Sirica might be putting together a panel. They have this system down there now, based on this informal agreement, where a judge, a sentencing judge, convenes a panel of his own to take advice from. If Sirica were being shrewd, he just might get himself a panel and take their recommendations.

PRESIDENT. When will the Ervin thing be hitting the fan most, I mean [unintelligible]

DEAN. Well, I would say that, uh, uh, the best indications we have now is public hearings will probably start about the first of May. Now, they will, you know, there'll be a big, probably, bang of interest, initially. We have no idea how they will proceed yet. We do have sources to find that out, other than Baker. Incidentally, Kleindienst was, was, had called Ervin again, returned the call. Ervin is going to see him this week, uh, with Baker. That's—

PRESIDENT. Public hearings the first of May. Well, that'll be a big show. The public hearings, I wouldn't think, though, I know from ex—, experience that, my guess is that, uh, I think they could get through about three weeks of those and then I think it begins to peter out somewhat. Do you agree?

DEAN. No, I—

PRESIDENT. ITT went longer, but that was a different thing, and it seemed more important.

DEAN. When I told Bob, oh, several months ago, I hope they don't think [unintelligible]. He said the way they could have those hearings and do a masterful job on us, is to hold one hearing a week on Thursdays, Thursday mornings, they cov—, they cover it live. That way, you'd get live coverage that day; you'd get the networks that night; the national magazines that week; the—get the weekend wrap-ups. You could stretch this thing out for nearly—

PRESIDENT. We should insist—Our members of the Committee at least should insist, "Let's get it over with, and go through five day sessions, and so forth."

DEAN. Yeah. Well, they, you know, they, they're not that, I don't think they are that

PRESIDENT. No.

DEAN. perceptive to, to figure that.

PRESIDENT. Well, so be it. This is a, I mean, I noticed in the news summary Buchanan was viewing with alarm the [unintelligible] the great crisis in the confidence of the Presidency, and so forth. [Unintelligible]

DEAN. Well, the best way—

PRESIDENT. How much?

DEAN. Pardon?

PRESIDENT. How much of a crisis? I mean, it'll be, it'll be in a newspaper [unintelligible] but the point is that everything is a crisis. I mean, Christ, we've had—screw around with this thing for a while [unintelligible] it'll be mainly a crisis among the upper intellectual types, the ass holes, you know, the

DEAN. That's right.

PRESIDENT. soft heads, soft—our own, too—Republicans, Democrats and the rest. Average people won't think it is much of a crisis unless it affects them. But it'll go on and on and on.

DEAN. Well, I think it'll—I, I, you know, I think after the Ervin hearings, they are going to find so much—there will be some new revelations. Uh, I don't think that, uh, the thing will get out of hand. I have no reason to believe it will.

PRESIDENT. Oh, yes, there'll be the revelations in, in Watergate. They, they [unintelligible]? That's the point.

DEAN. Well, they want to, they want to find out who—

PRESIDENT. Who—is there a higher up?

DEAN. Is there a higher up?

PRESIDENT. They're really, let's face it, after, I think they are really after, uh, Haldeman.

DEAN. Haldeman and Mitchell.

PRESIDENT. Mitchell—I mean, Colson is not a big enough name for them. He really isn't. You know, he is a thorn in their side, but Colson's name bothers them none. So they get Colson. They're after Haldeman and after Mitchell. Don't you think so?

DEAN. That's right. Or I bet they'd take Ehrlichman if they could drag him in but they've been unable to drag him in in any way.

PRESIDENT. Ultimately, uh, Haldeman, uh, Haldeman's problem is Chapin, isn't it?

DEAN. Bob's problem is, is circumstantial.

PRESIDENT. What I meant is, looking at the circumstantial, I don't know that [unintelligible]. On top of that, Bob had nothing—didn't know any of those people, like the Hunts and all that bunch. Colson did. But, uh, Bob, Bob did know Chapin.

DEAN. That's right.

PRESIDENT. Now, what—Now however the hell much Chapin knew I'll be God damned, I don't know.

DEAN. Well, Chapin didn't know anything about the Watergate, and—

PRESIDENT. You don't think so?
DEAN. No. Absolutely not.
PRESIDENT. Did Strachan?
DEAN. Yes.
PRESIDENT. He knew?
DEAN. Yes.
PRESIDENT. About the Watergate?
DEAN. Yes.
PRESIDENT. Well, then, Bob knew. He probably told Bob, then. He may not have. He may not have.
DEAN. He was, he was judicious in what he, in what he relayed, and, uh, but Strachan is as tough as nails. I—
PRESIDENT. What'll he say? Just go in and say he didn't know?
DEAN. He'll go in and stonewall it and say, "I don't know anything about what you are talking about." He has already done it twice, as you know, in interviews.
PRESIDENT. Yeah. I guess he should, shouldn't he, in the interests of—Why? I suppose we can't call that justice, can we? We can't call it [unintelligible]
DEAN. Well, it, it—
PRESIDENT. The point is, how do you justify that?
DEAN. It's a, it's a personal loyalty with him. He doesn't want it any other way. He didn't have to be told. He didn't have to be asked. It just is something that he found is the way he wanted to handle the situation.
PRESIDENT. But he knew? He knew about Watergate? Strachan did?
DEAN. Uh huh.
PRESIDENT. I'll be damned. Well, that's the problem in Bob's case, isn't it. It's not Chapin then, but Strachan. 'Cause Strachan worked for him.
DEAN. Uh huh. They would have one hell of a time proving that Strachan had knowledge of it, though.
PRESIDENT. Who knew better? Magruder?
DEAN. Well, Magruder and Liddy.
PRESIDENT. Ahh—I see. The other weak link for Bob is Magruder, too. He having hired him and so forth.
DEAN. That's applies to Mitchell, too.
PRESIDENT. Mitchell—Magruder. Now, where do you see Colson coming into it? Do you think he knew, knew quite a bit, I can't—I can't—yet he could know a great deal about a lot of other things and not a hell of a lot about this, but I don't know.
DEAN. Well, I've never—
PRESIDENT. He sure as hell knows Hunt. That we know. And was very close to him.
DEAN. Chuck has told me that he had no knowledge, uh, specific knowledge, of the Watergate incident before it occurred. Uh, there have been tidbits, that I have raised with Chuck. I have not played any games with him, I said, "Chuck, I have indications—"

PRESIDENT. Don't play games.

DEAN. I don't—I—

PRESIDENT. You've got to be—the lawyer has got to know everything.

DEAN. That's right. And I said, "Chuck, people have said that you were involved in this, involved in that, involved in this." And he said, "I—that's not true," and so on and so forth. Uh, I don't, I think that Chuck had knowledge that something was going on over there. A lot of people around here had knowledge that something was going on over there. They didn't have any knowledge of the details of the specifics of, of the whole thing.

PRESIDENT. You know, that must, must be an indication, though, of the fact that, that they had God damn poor pickings. Because naturally anybody, either Chuck or Bob, uh, was always reporting to me about what was going on. If they ever got any information they would certainly have told me that we got some information, but they never had a God damn [laughs] thing to report. What was the matter? Did they never get anything out of the damn thing?

DEAN. No. I don't think they ever got anything.

PRESIDENT. It was a dry hole, huh?

DEAN. That's right.

PRESIDENT. Jesus Christ.

DEAN. Well, they were just really getting started.

PRESIDENT. Yeah. Yeah. But, uh, Bob one time said something about the fact we got some information about this or that or the other, but, I. I think it was about the Convention, what they were planning, I said [unintelligible]. So I assume that must have been MacGregor, I mean not MacGregor, but Segretti.

DEAN. No.

PRESIDENT. Bob must have known about Segretti.

DEAN. Well, I—Segretti really wasn't involved in the intelligence gathering to speak of at all.

PRESIDENT. Oh, he wasn't?

DEAN. No, he wasn't, he was out just, he was out—

PRESIDENT. Who the hell was gathering intelligence?

DEAN. That was Liddy and his, his outfit.

PRESIDENT. I see. Apart from Watergate?

DEAN. That's, well, that's right. That was part of their whole—Watergate was part of intelligence-gathering, and this—

PRESIDENT. Well, that's a perfectly legitimate thing. I guess that's what it was.

DEAN. What happened is they—

PRESIDENT. What a stupid thing. Pointless. That was the stupid thing.

DEAN. That was incredible. That's right. That's right.

PRESIDENT. [Unintelligible] to think that Mitchell and Bob would allow, would have allowed this kind of operation to be in the Committee.

DEAN. I don't think he knew it was there.

PRESIDENT. You kidding?

DEAN. I don't—

PRESIDENT. You don't think Mitchell knew about this thing?

DEAN. Oh, no, no, no. Don't mis—I don't think he knew that people—I think he knew that Liddy was out intelligence-gathering.

PRESIDENT. Well?

DEAN. I don't think he knew that Liddy would use a fellow like McCord, for God's sake, who worked for the Committee. I can't believe that. Uh, you know, that—

PRESIDENT. Hunt? Did Mitchell know Hunt?

DEAN. I don't think Mitchell knew about Hunt either.

PRESIDENT. So Mitchell's thing is [unintelligible] said, "Gee, and I hired this fellow and I told him to gather intelligence, but I—" Maybe [unintelligible]

DEAN. That's right.

PRESIDENT. Magruder says the same thing?

DEAN. Magruder says that—as he did in the trial—he said, it was, uh,—"Well, of course, my name has been dragged in as the guy who sent Liddy over there," which is an interesting thing. That's a—

PRESIDENT. [Unintelligible.]

DEAN. That's right. They said, well what happened is—Magruder asked for a lawyer—he wanted to hire my deputy over there for General Counsel and I said, "No way. I can't give him up."

PRESIDENT. Was Liddy your deputy?

DEAN. No, Liddy never worked for me. Uh, there was this fellow Fred Fielding who works for me. And I said, "I can't give him up." He said, Magruder said, "Will you find me a lawyer?" I said, "I will be happy to look around." I checked around the White House, Krogh said, "Liddy might be the man to do it, to go over there—he would be a hell of a good lawyer. Uh, he has written some wonderful legal opinions over here for me."

PRESIDENT. Right.

DEAN. "and I think he is a good lawyer."

PRESIDENT. Yeah.

DEAN. So I relayed that to Magruder.

PRESIDENT. How the hell does Liddy stand up so well?

DEAN. He's a strange man, Mr. President.

PRESIDENT. Strange or strong, or both?

DEAN. Strange and strong.

PRESIDENT. Good.

DEAN. Uh, he—his loyalty, I think, is just beyond the pale. He's just—nothing.

PRESIDENT. He hates the other side too.

DEAN. Oh, absolutely. He's strong. He really is.

PRESIDENT. Well, what about the hang-out thing?

[Unkown person enters, receives instruction from the President to take something to Haldeman, and leaves the room.]

PRESIDENT. Uh, is it too late to, to, frankly, go the hang-out road? Yes, it is.

DEAN. I think it is. I think—Here's the—The hang-out road—

PRESIDENT. The hang-out road's going to have to be rejected. I, some. I understand it was rejected.

DEAN. It was kicked around. Bob and I and, and, and—

PRESIDENT. I know Ehrlichman always felt that it should be hang-out. [Unintelligible]

DEAN. Well, I think I convinced him why that he wouldn't want to hang-out either. There is a certain domino situation here. If some things start going, a lot of other things are going to start going, and there are going to be a lot of problems if everything starts falling. So there are dangers, Mr. President. I'd be less than candid if I didn't tell you the—there are. There's a reason for us not—not everyone going up and testifying.

PRESIDENT. I see. Oh no, no, no, no, no. I didn't mean go up and have them testifying. I meant—

DEAN. Well I mean just, they're just starting to hang-out and say here's our, here's our story—

PRESIDENT. I mean putting the story out to PR buddies somewhere. Here's the story, the true story about Watergate. [Unintelligible]

DEAN. They would never believe it.

PRESIDENT. That's the point.

DEAN. The point is—the two things they are working on, on Watergate—

PRESIDENT. Who is "they"? The press?

DEAN. The press,

PRESIDENT. The Democrats?

DEAN. —the Democrats, the intellectuals—

PRESIDENT. The Packwoods?

DEAN. Right. Right. "They" would never buy it, uh, as far as (1) White House involvement in the Watergate which I think there is just none, uh, for that incident that occurred over in the Democratic National Committee Headquarters. People just, here, would—did not know that that was going to be done. I think there are some people who saw the fruits of it, but that's another story. I am talking about the criminal conspiracy to, to go in there. The other thing is that, uh, the Segretti thing. You hang that out, uh, they wouldn't believe that. They wouldn't believe that, that, uh, Chapin acted on his own to put his old friend, friend Dick Segretti in to be a Dick Tuck on

somebody else's campaign. They would, they would have to paint it into something more sinister, something more involved, a part of a general plan.

PRESIDENT. Shit, it's not sinister. None of it is.

DEAN. No.

PRESIDENT. Segretti's stuff isn't been a bit sinister.

DEAN. It's quite humorous, as a matter of fact.

PRESIDENT. As a matter of fact, it's just a bunch of crap. It's just is a [unintelligible]. We never knew. Never objected to—You don't object to such damn things, oh, anyway. On, and on and on. No, I tell you this, the last gasp of the, of the, you know, of the, our partisan opponents. They've just got to have something to squeal about.

DEAN. The only thing they have to squeal on.

PRESIDENT. Squeal about that, that, and perhaps inflation, but that will end. Oh, yeah, they're going to squeal and then they're [unintelligible]. They're having a hell of a time, you know. They got the hell kicked out of them in the election. [Unintelligible]. They are, they're, they're going to Watergate around in this town, not so much our opponents, but basically it's the media, uh, I mean, it's the Establishment. The Establishment is dying, and so they've got to show that after some rather significant successes we've had in foreign policy and in the election, they've got to show, "Well, it just is wrong because this is—because of this." In other words, they're trying to use this to smear the whole thing.

DEAN. Well, that's why I, in fact, I keep coming back with this fellow, Sullivan, who could.

PRESIDENT. —who could—

DEAN. could change the picture.

PRESIDENT. How would it change it though?

DEAN. Well it—

PRESIDENT. By saying you're another? Is that what it is?

DEAN. That's, yeah. But here's another, and it happens to be Democrats. Your, uh—I, you know, I just, I just wish—

PRESIDENT. If you get Kennedy in it, too, I'd be a little more pleased.

DEAN. Well, now, let me tell you something that's—lurks at the bottom of this whole thing.

PRESIDENT. Yeah.

DEAN. If, in going after Segretti, I—Segretti, right—they go after Kalmbach's bank records, you'll recall that sometime back—maybe you, you perhaps didn't know about this, it's very possible—that right after Chappaquiddick somebody was put up there to start observing. Within six hours.

PRESIDENT. Did we?

DEAN. That's right.

PRESIDENT. I didn't know that.

DEAN. That man watched that—he was there for every second of Chappaquiddick, uh, for a year, and almost two years he worked for, uh, he worked for Jack Caulfield, who was originally on John—

PRESIDENT. Oh, I heard of Caulfield, yeah.

DEAN. He worked for Caulfield originally and then he worked for, when Caulfield worked for John, and then when I came over here I inherited Caulfield and this guy was still on this same thing.

PRESIDENT. Yeah.

DEAN. Well, if they get to those bank records between, uh, it starts on July of '69 through June of '71, and they say, "What are these about? Who is this fellow that's up in New York that you paid?" There comes Chappaquiddick with a vengeance. This guy is a, is a twenty year detective on the, uh, New York State, uh, New York City Police Department.

PRESIDENT. In other words, we—

DEAN. He is ready to disprove and to show that, everything from—

PRESIDENT. [Unintelligible] consider that wrong, do we?

DEAN. Well, if they get to it, uh, it's going to come out and the whole thing is going to turn around on that one. I mean, if Kennedy knew the bear trap he was walking into—

PRESIDENT. How do we know—uh, why, why don't we get it out anyway?

DEAN. Well, we sort of saved it. [Laughs]

PRESIDENT. Does he have any record? Is it any good?

DEAN. Uh, he is probably the most knowledgeable man in the country. He can't, you know, there are certain things he runs up against walls when they closed the, when they closed the records down, things he can't get, but he can ask all of the questions and get some, many of the answers. As a, as a twenty year detective, but we don't want to surface him right now. But if things ever surfaced, uh, this is what they'll get.

PRESIDENT. Now, how will Kalmbach explain that he'd hired this [unintelligible] Chappaquiddick? Did he—out of what type of funds?

DEAN. We'd have—he had, he had money left over from, uh, pre-convention—

PRESIDENT. Are they going to investigate those funds too?

DEAN. They are funds that were quite legal. There's nothing illegal with those funds.

PRESIDENT. How can they, how can they investigate them?

DEAN. They can't.

PRESIDENT. Huh?

DEAN. They—The only—The—What they would—happens—what, what would occur, you see, is they would stumble into this in going back to, say '71, on Kalmbach's bank records. They've already asked for a lot

of his bank records in connection with Segretti, as to how he paid Segretti.

PRESIDENT. Are they going to go back as far as Chappaquiddick?

DEAN. Well, yeah, but this, this fellow worked into '71 on this. He was up there. He talked to everybody in that town. He, you know, he, he's the one who caused a lot of embarrassment for Kennedy already by saying—he went up there as a newspaperman. "So why aren't you checking this? Why aren't you looking there?" And pointing the press's attention to things. Gosh, the guy did a masterful job. I have never been, had the full report.

PRESIDENT. Coming back to the Sullivan thing, you'd better now go ahead and talk to him. You will now talk to Moore, again to Moore and, uh, then what?

DEAN. Uh, I'll see if we have something that's viable. And if it's—

PRESIDENT. In other words—Have you talked to Sullivan again?

DEAN. Oh, yes. Yes. I plan on it.

PRESIDENT. Why the hell don't you get him in and talk to him? [Unintelligible]

DEAN. Well, he's—I asked him last night and he said, "John give me a day or so to get my, all my recollections together,"

PRESIDENT. Right.

DEAN. and that was yesterday. So I thought I would call him this evening and say, uh, "Bill, I'd just like to know—"

PRESIDENT. You see, the fact that you've talked to him will become known. So maybe, maybe the best thing is to say "I am not concerned here," and you say that he, he's to turn this over, and you say we will not handle it. Then make, then anyway, it gets to the Committee, aren't they going to say, "The White House turns over information on the FBI?" That's the—I don't know how the Christ to get it down there.

DEAN. Well, that's what I think I can kick around with Dick Moore. He and I do very well just bouncing these things

PRESIDENT. Yeah.

DEAN. back and forth and coming up with something that we don't have to be embarrassed about it.

PRESIDENT. I think a newsman, a newsman, a hell of a break for a newspaper.

DEAN. Oh yeah.

PRESIDENT. A hell of a story. Uh, maybe the Star would just run a hell of a story, I mean a real bust on the FBI. Then, and then, and then the Committee member, the man you, you, for example, on this basis could call Gurney, and say, "Now look. We're on to something very hot here. I can just tell you, I'm not going to tell you anything more. Go after it, forget you ever had this call." Then he goes.

DEAN. Uh huh.

PRESIDENT. It seems to me that that's a very effective way to get it out.

DEAN. Uh huh. Another thing is, I don't think Sullivan would give up the White House. Sullivan—as I said could, there's one liability in Sullivan here, is that's his knowledge of the earlier things that occurred, uh—

PRESIDENT. That we did?

DEAN. That we did.

PRESIDENT. Well, now you should tell them. Oh, you mean he wouldn't, he'd say, he'd say, "I did no political work at all. My, my work in the [unintelligible] Nixon Administration was, was solely in the national security."

DEAN. That's right.

PRESIDENT. And that is totally true.

DEAN. That's right.

PRESIDENT. Okay. Well, good luck.

DEAN. All right, sir.

PRESIDENT. It's never dull, is it?

DEAN. Never.

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A RECORDING OF A MEETING AMONG THE PRESIDENT, JOHN DEAN, AND H. R. HALDEMAN ON MARCH 21, 1973, FROM 10:12 TO 11:55 A.M.

PRESIDENT. John, sit down, sit down.

DEAN. Good morning.

PRESIDENT. Well, what is the Dean summary of the day about?

DEAN. John caught me on the way out and asked me about why Gray was holding back on information, if that was under instructions from us. And it, uh, it was and it wasn't. Uh, it was instructions proposed by the Attorney General, consistent with your press conference statement that no further raw data was to be turned over to the

PRESIDENT. Full committee.

DEAN. full committee.

PRESIDENT. Right.

DEAN. And that was the extent of it. And Gray, himself, is the one who reached the conclusion that no more information be turned over; he'd turned over enough. Uh, so this is again Pat Gray making decisions on his own as to how to handle his hearings. He has been totally unwilling all along to take any guidance, any instruction. We don't know what he is going to do. He is not going to talk about it. He won't review it, uh, and I don't think

PRESIDENT. Right.

DEAN. he does it to harm you in any way, sir.

PRESIDENT. He's just quite stubborn and, he's quite stubborn; also he isn't very smart. You know he and I—

DEAN. He is bullheaded.

PRESIDENT. He is smart in his own way, but,

DEAN. Yeah.

PRESIDENT. but he's got that typical, "Well, by God, this is right and they're not going to do it."

DEAN. That's why he thinks he'll be confirmed, because he thinks he's being, he's being his own man. He's being forthright, honest. He's feels he has turned over too much and so it's a conscious decision that he is harming the Bureau by doing this and so he is not going to—

PRESIDENT. [Sighs] I hope to God that we get off [unintelligible] though today that, this is because the White House told him to do this or that or the other thing. And also, I told Ehrlichman, I don't see why our little

boys can't make something out of the fact that God darn it this is the, this is the, the only responsible decision you could possibly make. The FBI cannot turn over raw files. Has anybody made that point? I have tried.

DEAN. Sam Ervin has made that point himself.

PRESIDENT. Did he?

DEAN. Uh, in fact, in reading the transcript of Gray's hearings, Ervin tried to hold Gray back from doing what he was doing at the time he did it. Uh, I thought it was very unwise. I don't think that anyone is criticizing

PRESIDENT. Well, let's say,

DEAN. your position on it.

PRESIDENT. let's make the point, let's make the point that the raw files cannot be turned over. Well I think that point should be made.

DEAN. That, that—

PRESIDENT. We are standing for the rights of innocent individuals. The American Civil Liberty Union is against it. We're against it. [Unintelligible] the tradition, and it will continue to be the tradition that all files are—I'd like to turn them all over to somebody. I'd like to get a chance for Spiro to put it out. [Unintelligible] and let them see what is in one.

DEAN. How damaging—

PRESIDENT. Any further word on, on Sullivan? Is he still—

DEAN. Yeah, he's, he's going to be over to see me today, this morning, hopefully, sometime. Uh—

PRESIDENT. As soon as you get that, I'll be available to talk to you this afternoon.

DEAN. All right, sir.

PRESIDENT. I will be busy until about one o'clock; after that we can contact. Anytime you are through I would like to see whatever [unintelligible] he has. We've got something but I'd like to just see what it is.

DEAN. Uh, the reason I thought we ought to talk this morning is because in, in our conversations, uh, uh, I have, I have the impression that you don't know everything I know.

PRESIDENT. That's right.

DEAN. and it makes it very difficult for you to make judgments that, uh, that only you can make

PRESIDENT. That's right.

DEAN. on some of these things and I thought that—

PRESIDENT. You've got, in other words, I've got to know why you feel that, uh, that something

DEAN. Well, let me,

PRESIDENT. that, that we shouldn't unravel something.

DEAN. let me give you my overall first.

PRESIDENT. In other words, your, your judgment as to where it stands, and where we go now.

DEAN. I think, I think that, uh, there's no doubt about the seriousness of the problem we're, we've got. We have a cancer—within—close to the Presidency, that's growing. It's growing daily. It's compounding, it grows geometrically now, because it compounds itself. Uh, that'll be clear as I explain, you know, some of the details, uh, of why it is, and it basically is because (1) we're being blackmailed; (2) uh, people are going to start perjuring themself very quickly that have not had to perjure themselves to protect other people and the like. And that is just—And there is no assurance—

PRESIDENT. That it won't bust.

DEAN. That that won't bust.

PRESIDENT. True.

DEAN. So let me give you the sort of basic facts, talking first about the Watergate; and then about Segretti; and then about some of the peripheral items that, uh, have come up. First of all, on, on the Watergate: how did it all start, where did it start? It started with an instruction to me from Bob Haldeman to see if we couldn't set up a perfectly legitimate campaign intelligence operation over at the Reelection Committee.

PRESIDENT. Hm.

DEAN. Not being in this business, I turned to somebody who had been in this business, Jack Caulfield, who is, I don't know if you remember Jack or not. He was your original bodyguard before

PRESIDENT. Yeah.

DEAN. they had

PRESIDENT. Yeah.

DEAN. candidate, candidate

PRESIDENT. Yeah.

DEAN. protection, an old New York City policeman.

PRESIDENT. Right. I know, I know him.

DEAN. Uh, Jack had worked for John and then was transferred to my office. I said, "Jack come up with a plan that, you know, is a normal infiltration, I mean, you know, buying information from secretaries and all that sort of thing." He did, he put together a plan. It was kicked around, and, uh, I went to Ehrlichman with it. I went to Mitchell with it, and the consensus was that Caulfield wasn't the man to do this. Uh, in retrospect, that might have been a bad call, 'cause he is an incredibly cautious person and, wouldn't have put the situation where it is today.

PRESIDENT. Yeah.

DEAN. All right, after rejecting that, they said, "We still need something," so I was told to look around for somebody that could go over to 1701 and do this. That's when I came up with Gordon Liddy, who—

They needed a lawyer. Gordon had an intelligence background from his FBI service. I was aware of the fact that he had done some extremely sensitive things for the White House while he'd been at the White House, and he had apparently done them well. Uh, going out into Ellsberg's doctor's office

PRESIDENT. Oh, yeah.

DEAN. and things like this. He'd worked with leaks. He'd, you know, tracked these things down. Uh, and [coughs] so the report that I got from Krogh was that he was a hell of a good man and, and not only that, a good lawyer, uh, and could set up a proper operation. So we talked to Liddy. Liddy was interested in doing it. Took, uh, Liddy over to meet Mitchell. Mitchell thought highly of him because, apparently, Mitchell was partially involved in his ev—, coming to the White House to work for, for Krogh. Uh, Liddy had been at Treasury before that. Then Liddy was told to put together his plan, you know, how he would run an intelligence operation. And this was after he was hired over there at the, uh, the Committee. Magruder called me in January and said, "I'd like to have you come over and see Liddy's plan."

PRESIDENT. January of '72?

DEAN. January of '72. Like, "You come over to Mitchell's office and sit in on a meeting where Liddy is going to lay his plan out." I said, "Well, I don't really know as I am the man, but if you want me there I will be happy to." [Clears throat] So I came over and Liddy laid out a million dollar plan that was the most incredible thing I have ever laid my eyes on: all in codes, and involved black bag operations, kidnapping, providing prostitutes, uh, to weaken the opposition, bugging, uh, mugging teams. It was just an incredible thing. [Clears throat]

PRESIDENT. But, uh,

DEAN. And—

PRESIDENT. that was, that was not, uh,

DEAN. No.

PRESIDENT. discussed at the

DEAN. No.

PRESIDENT. [Unintelligible]

DEAN. No, not at all. And,

PRESIDENT. [Unintelligible]

DEAN. uh, Mitchell, Mitchell just virtually sat there puffing and laughing. I could tell 'cause after he—after Liddy left the office I said, "That's the most incredible thing I have ever seen." He said, "I agree." And so then he was told to go back to the drawing boards and come up with something realistic. So there was a second meeting. Uh, they asked me to come over to

that. I came into the tail end of the meeting. I wasn't there for the first part. I don't know how long the meeting lasted. Uh, at this point, they were discussing again bugging, kidnapping and the like. And at this point I said, right in front of everybody, very clearly, I said, "These are not the sort of things (1) that are ever to be discussed in the office of the Attorney General of the United States"—where he still was—"and I am personally incensed." I was trying to get Mitchell off the hook, uh, 'cause—

PRESIDENT. I know.

DEAN. He's a, he's a nice person, doesn't like to say no under—when people he's going to have to work with.

PRESIDENT. That's right.

DEAN. So, I let, I let it be known. I said "You all pack that stuff up and get it the hell out of here 'cause we just, you just can't talk this way in this office and you shouldn't, you should re-examine your whole thinking." Came back—

PRESIDENT. Who else was present? Besides you—

DEAN. It was Magruder, Magruder.

PRESIDENT. Magruder.

DEAN. uh, Mitchell, Liddy and myself. I came back right after the meeting and told Bob, I said, "Bob, we've got a growing disaster on our hands if they're thinking this way," and I said, "The White House has got to stay out of this and I, frankly, am not going to be involved in it." He said, "I agree John." And, I thought, at that point, the thing was turned off. That's the last I heard of it, when I thought it was turned off, because it was an absurd proposal.

PRESIDENT. Yeah.

DEAN. Liddy—I did have dealings with him afterwards. We never talked about it. Now that would be hard to believe for some people, but, uh, we never did. Just the fact of the matter.

PRESIDENT. Well, you were talking about other things.

DEAN. Other things. We had so many other things.

PRESIDENT. He had some legal problems at one time.

DEAN. Now [coughs]—

PRESIDENT. But you were his advisor, and I, I understand how you could have some, uh, what cam—what are they campaign laws—I knew that was you, you have—Haldeman told me you, that you were heading all of that up for us. Go ahead.

DEAN. Now. [Clears throat] So, Liddy went back after that and was over, over at, uh, 1701, the Committee, and I, this is where I come into having put the pieces together after the fact as to what I can put together what happened. Liddy sat over there and tried to come up with another plan, that he could sell. (1) They were talking, saying to him he was asking for

too much money, and I don't think they were discounting the illegal points at this, after—you know, Jeb is not a lawyer. He didn't know whether this was the way the game was played or not, and what it was all about. They came up with, apparently, another plan, uh, but they couldn't get it approved by anybody over there. So Liddy and Hunt apparently came to see Chuck Colson, and Chuck Colson picked up the telephone and called Magruder and said, "You all either fish or cut bait. Uh, this is absurd to have these guys over there and not using them, and if you're not going to use them, I may use them." Things of this nature.

PRESIDENT. When was this?

DEAN. This was apparently in February of '72.

PRESIDENT. That could be—Colson know what they were talking about?

DEAN. I can only assume, because of his close relationship with

PRESIDENT. Hunt.

DEAN. Hunt, he had a damn good idea of what they were talking about, a damn good idea. He would probably deny it, deny it today and probably get away with denying it. But I, uh, I still—

PRESIDENT. Unless Hunt—

DEAN. Unless Hunt, uh, blows on him—

PRESIDENT. But then Hunt isn't enough. It takes two doesn't it?

DEAN. Probably. Probably. But Liddy was there also and if, if Liddy were to blow—

PRESIDENT. Then you've got a problem—I was saying as to the criminal liability in the

DEAN. Yeah.

PRESIDENT. White House. Okay.

DEAN. I will go back over that, and tell

PRESIDENT. Was that Colson?

DEAN. you where I think the, the soft spots are.

PRESIDENT. Colson—that, that, that Colson, uh, you think was the, uh, was the person who

DEAN. I think he,

PRESIDENT. pushed?

DEAN. I think he helped to get the push, get the thing off the dime. Now something else occurred, though—

PRESIDENT. Did Colson—had he talked to anybody here?

DEAN. No. I think this was an independent—

PRESIDENT. Did he talk to Haldeman?

DEAN. No, I don't think so. Now, but here's the other the thing where the next thing comes in the chain. I think that Bob was assuming that they had something that was proper over there, some intelligence gathering operation that Liddy was operating. And through Strachan, uh, who was his tickler, uh, he started pushing them

PRESIDENT. [Sighs] Yeah.

DEAN. to get something, to get some information and they took that as a signal—Magruder took that as a signal—to probably go to Mitchell and say, "They are pushing us like crazy for this from the White House." And so Mitchell probably puffed on his pipe and said, "Go ahead," and never really re—, reflected on what it was all about. So, they had some plan that obviously had, I gather, different targets they were going to go after. They were going to infiltrate, and bug, and do all this sort of thing to a lot of these targets. This is knowledge I have after the fact. [Coughs] And, apparently, they, uh, they, they had, they had after, they had initially broken in and bugged the Democratic National Committee, they were getting information. The information was coming over here to Strachan. Some of it was given to Haldeman, uh, there is no doubt about it. Uh—

PRESIDENT. Did he know what it was coming from?

DEAN. I don't really know if he would.

PRESIDENT. Not necessarily.

DEAN. Not necessarily. That's not necessarily. Uh—

PRESIDENT. Strachan knew what it was from.

DEAN. Strachan knew what it was from. No doubt about it, and whether Strachan—I have never come to press these people on these points because it,

PRESIDENT. Yeah.

DEAN. it hurts them to, to give up that next inch, so I had to piece things together. All right, so Strachan was aware of receiving information, reporting to Bob. At one point Bob even gave instructions to change their capabilities from Muskie to McGovern, and had passed this back through Strachan to Magruder and, apparently to Liddy. And Liddy was starting to make arrangements to go in and bug the, uh, uh, McGovern operation. They had done prelim—

PRESIDENT. They had never bugged Muskie, though, did they?

DEAN. No, they hadn't but they had a, they had, uh, they'd

PRESIDENT. [Unintelligible]

DEAN. infiltrated it by a, a, they had

PRESIDENT. A secretary.

DEAN. a secretary and a chauffeur. Nothing illegal about that.

PRESIDENT. [Unintelligible]

DEAN. Now, so the information was coming over here and then, uh, I finally, after the next point in time where I became aware of anything was on June 17th, when I got the word that there had been this break-in at the Democratic National Committee and somebody from the Committee had been caught, uh, from our Committee had been caught in the DNC. And I said, "Oh, my God, that, I can only—" You know, if, instantly putting the pieces together—[Coughs]

PRESIDENT. You knew what it was.

DEAN. I knew what it was. So I called Liddy, uh, on that Monday morning, and I said, "Gordon," I said, "first, I want to know if anybody in the White House was involved in this." And he said, "No, they weren't." I said, "Well, I want to know how in God's name this happened." And he said, "Well, I was pushed without mercy by Magruder to get in there, get more information, that the information, it was not satisfactory. Magruder said, 'The White House is not happy with what we're getting.' "

PRESIDENT. The White House?

DEAN. The White House. Yeah. Uh—

PRESIDENT. Who do you think was pushing him?

DEAN. Well, I think it was probably Strachan thinking that Bob wanted things, and, because, because I have seen that happen on other occasions where things have been said to be of very prime importance when they really weren't.

PRESIDENT. Why [unintelligible] I wonder? I am just trying to think as to why then. We'd just finished the Moscow trip. I mean, we were—

DEAN. That's right.

PRESIDENT. The Democrats had just nominated McG—, McGovern. I mean, for Christ's sakes, I mean, what the hell were we—I mean I can see doing it earlier but I mean, now let me say, I can see the pressure, but I don't see why all the pressure would have been around then.

DEAN. I don't know, other than the fact that, uh, they might have been looking for information about

PRESIDENT. The convention.

DEAN. the conventions.

PRESIDENT. Well, that's right.

DEAN. Because, I understand, also, after the fact, that there was a plan to bug Larry O'Brien's suite down in Florida.

PRESIDENT. Yeah.

DEAN. Uh, so, uh, Liddy told me that, uh, you know, this is what had happened and, and this is why it had happened.

PRESIDENT. Liddy told you he was planning—where'd he learn there was such a plan—from whom?

DEAN. Beg your pardon?

PRESIDENT. Where did he learn of the plans to bug Larry O'Brien's suite?

DEAN. From Magruder, after the, long after the fact.

PRESIDENT. Oh, Magruder, he knows.

DEAN. Yeah. Magruder is totally knowledgeable on the whole thing.

PRESIDENT. Yeah.

DEAN. All right, now, we've gone through the trial. We've—I don't know if Mitchell has perjured himself in the Grand Jury or not. I've never—

PRESIDENT. Who?

DEAN. Mitchell. I don't know how much knowledge he actually had. I know that Magruder has perjured himself in the Grand Jury. I know that Porter has perjured himself, uh, in the Grand Jury.

PRESIDENT. Porter [unintelligible]

DEAN. He is one of Magruder's deputies.

PRESIDENT. Yeah.

DEAN. Uh, that they set up this scenario which they ran by me. They said, "How about this?" I said, "I don't know. I, you know, if, if this is what you are going to hang on, fine." Uh, that they—

PRESIDENT. What did they say before the Grand Jury?

DEAN. They said, they said, as they said before the trial and the Grand Jury, that, that, uh, Liddy had come over as, as a counsel

PRESIDENT. Yeah.

DEAN. and we knew he had these capacities to,

PRESIDENT. Yeah.

DEAN. you know,

PRESIDENT. Yeah.

DEAN. to do legitimate intelligence. We had no idea what he was doing.

PRESIDENT. Yeah.

DEAN. He was given an authorization of $250,000

PRESIDENT. Right.

DEAN. to collect information, because our surrogates were out on the road. They had no protection. We had information that there were going to be demonstrations against them, that, uh, uh, we had to have a plan to get information as to what liabilities they were going to be confronted with

PRESIDENT. Right.

DEAN. and Liddy was charged with doing this. We had no knowledge that he was going to bug the DNC. Uh—

PRESIDENT. Well, the point is, that's not true.

DEAN. That's right.

PRESIDENT. Magruder did know that—

DEAN. Magruder specifically instructed him to go back in the DNC.

PRESIDENT. He did?

DEAN. Yes.

PRESIDENT. You know that? Yeah. I see. Okay.

DEAN. Uh, I honestly believe that no one over here knew that. I know, uh, as God is my maker, I had no knowledge that they were going to do this.

PRESIDENT. Bob didn't either [unintelligible]

DEAN. Uh, but—

PRESIDENT. They know you're not the issue, Bob. Bob, now—he wouldn't know.

DEAN. Bob— I don't believe specifically knew they were going in there.

PRESIDENT. I don't think so.

DEAN. I don't think he did. I think he knew there was a capacity to do this but he wouldn't, wasn't giving it specific direction.

PRESIDENT. Strachan, did he know?

DEAN. I think Strachan did know.

PRESIDENT. They were going back into the DNC? Hunt never [unintelligible]

DEAN. All right, so—Uh, those people are in trouble as a result of the Grand Jury and the trial. Mitchell, of course, was never called during the trial. Now—

PRESIDENT. Mitchell has given a sworn statement?

DEAN. Yes, sir.

PRESIDENT. To the Bureau?

DEAN. To the Grand Jury—

PRESIDENT. Did he go before the Grand Jury?

DEAN. He had, we had a, an arrangement whereby he went down to, with several of the, because it was, you know, the heat of this thing and the implications on the election, we made an arrangement where they could quietly go into the Department of Justice and have one of the assistant U.S. Attorneys come over and take their testimony and then read it before the Grand Jury. Uh,

PRESIDENT. That was [unintelligible]

DEAN. although I—That's right, Mitchell was actually called before the Grand Jury. The Grand Jury would not settle for less. The jurors wanted him.

PRESIDENT. And he went.

DEAN. And he went.

PRESIDENT. Good.

DEAN. Uh, I don't know what he said. Uh, I have never seen a transcript of the Grand Jury. Now, [sighs] what, what has happened post-June 17? Well, it was, I was under pretty clear instructions [laughs] not to really to investigate this, that this was something that just could have been disastrous on the election if it had—all hell had broken loose, and I worked on a theory of containment

PRESIDENT. Sure.

DEAN. to try to hold it right where it was.

PRESIDENT. Right.

DEAN. There is no doubt I, I, uh, that, uh, I was totally aware what the Bureau was doing at all times. I was totally aware of what the Grand Jury was doing.

PRESIDENT. You mean—

DEAN. I knew that witnesses were going to be called. I knew what they were going to be asked, and I had to. There just—

PRESIDENT. Why did Petersen play the, play the game so straight with us?

DEAN. Because Petersen is a soldier. He played—He kept me informed. He told me when we had problems, where we had problems and the like. Uh, he believes in, in, in you. He believes in this Administration. This Administration has made him. Uh, I don't think he's done anything improper, but he did make sure the investigation was narrowed down to the very, very

PRESIDENT. Right.

DEAN. fine

PRESIDENT. Right.

DEAN. criminal things, which was a break for us. There is no doubt about it.

PRESIDENT. He honestly feels that he did an adequate job?

DEAN. He, uh, they ran that investigation out to the fullest extent they could follow a lead [coughs] and that was it.

PRESIDENT. But the point is, where I suppose he could be criticized for not doing an adequate job: Why didn't he call Haldeman? Why didn't he get a statement from Colson? Oh, they did get Colson.

DEAN. That's right. But see, the thing is, is based on their FBI interviews, there was no reason to follow up. There were no leads there. Colson said, "I have no knowledge of this" to the FBI. Uh, Strachan said, "I have no knowledge of—" you know, they didn't ask Strachan any Watergate questions. They asked him about Segretti. Uh, they said, "What's your connection with Liddy?" and he just said, "Well, I, you know, I just, met him over there," and they never really pressed him. They didn't, you know, they—Look, Strachan appeared, uh, as a result of some coaching, he could be the dumbest paper pusher in the bowels of the, the White House.

PRESIDENT. Right.

DEAN. All right. Now post-June 17th: These guys immediately—It is very, very [laughs] interesting. Liddy, for example, the Friday before—uh, on I guess it was the, uh, on the 15th, uh, 16th, uh, of, uh, June—had been in Henry Petersen's office with another member of my staff on campaign compliance [laughs] problems, uh, joking. After the incident, he went, he ran, uh, Kleindienst down at Burning Tree Country Club and told [laughs] him that "You've got to get my men out of jail," which was kind of a—Kleindienst said, "Now, you get the hell out of here, kid, uh. Whatever you've got to say, just say to somebody else. Don't bother me," and—But this has never come up.

PRESIDENT. Yeah.

DEAN. Uh, Liddy said, said that, you know, if they all got counsel instantly and said that, you know, "We'll, we'll ride this thing out." All right, then they started

making demands. "We've got to have attorneys' fees. Uh, we don't have any money ourselves, and if—you are asking us to take this through the election." All right, so arrangements were made through Mitchell, uh, initiating it, in discussions that—I was present—that these guys had to be taken care of. Their attorneys' fees had to be done. Kalmbach was brought in. Uh, Kalmbach raised some cash. Uh, they were obv—, uh, you know,

PRESIDENT. They put that under the cover of a Cuban Committee or [unintelligible]

DEAN. Yeah, they, they had a Cuban Committee and they had—some of it was given to Hunt's lawyer, who in turn passed it out. This, you know, when Hunt's wife was flying to Chicago with ten thousand, she was actually, I understand after the fact now, was going to pass that money to, uh, one of the Cubans—to meet him in Chicago and pass it to somebody there.

PRESIDENT. [Unintelligible]. Maybe—Well, whether it's maybe too late to do anything about it, but I would certainly keep that, [laughs] that cover for whatever it's worth.

DEAN. I'll—

PRESIDENT. Keep the Committee.

DEAN. Af—, after, well, that, that, that's

PRESIDENT. [Unintelligible]

DEAN. the most troublesome post-thing, uh, because (1) Bob is involved in that; John is involved in that; I am involved in that; Mitchell is involved in that. And that's an obstruction of justice.

PRESIDENT. In other words the fact that, uh, that you're, you're, you're taking care of witnesses.

DEAN. That's right. Uh.

PRESIDENT. How was Bob involved?

DEAN. well, th—, they ran out of money over there. Bob had three hundred and fifty thousand dollars in a safe over here that was really set aside for polling purposes. Uh, and there was no other source of money, so they came over here and said, "You all have got to give us some money."

PRESIDENT. Right.

DEAN. I had to go to Bob and say, "Bob, you know, you've got to have some—they need some money over there." He said "What for?" And so I had to tell him what it was for 'cause he wasn't about to just send money over there willy-nilly. And, uh, John was involved in those discussions, and we decided, you know, that, you know, that there was no price too high to pay to let this thing blow up in front of the election.

PRESIDENT. I think you should handle that one pretty fast.

DEAN. Oh, I think—

PRESIDENT. That issue, I mean.

DEAN. I think we can.

PRESIDENT. So that the three-fifty went back to him. All it did was—

DEAN. That's right. I think we can too.

PRESIDENT. Who else [unintelligible]?

DEAN. But, now, here, here's what's happening right now.

PRESIDENT. Yeah.

DEAN. What sort of brings matters to the—This is the one that's going to be a continual blackmail operation by Hunt and Liddy and the

PRESIDENT. Yeah.

DEAN. Cubans. No doubt about it. And McCord,

PRESIDENT. Yeah.

DEAN. who is, who is another one involved. McCord has asked for nothing. Uh, McCord did ask to meet with somebody, and it was Jack Caulfield, who is his old friend who'd gotten him hired over there. And, when, when, when Caulfield had him hired, he was a perfectly legitimate security man. And he wanted to know, well, you know, [coughs] he wanted to talk about commutation, and things like that. And as you know Colson has talked to, indirectly to Hunt about commutation. [Clears throat] All these things are bad, in, in, in that they are problems, they are promises, they are commitments. They are the very sort of thing that the Senate is going to be looking most for. I don't think they can find them, frankly.

PRESIDENT. Pretty hard.

DEAN. Pretty hard. Damn hard. It's all cash. Uh—

PRESIDENT. Well, I mean, pretty hard as far as the witnesses are concerned.

DEAN. That's right. Now. The blackmail is continuing. Hunt called one of the lawyers from the Re-election Committee on last Friday to meet with him on—over the weekend. The guy came in to me, to see me to get a message directly from Hunt to me, for the first time.

PRESIDENT. Is Hunt out on bail?

DEAN. Pardon?

PRESIDENT. Is Hunt on bail?

DEAN. Hunt is on bail. Correct. Uh, Hunt now is demanding another seventy-two thousand dollars for his own personal expenses; another fifty thousand dollars to pay his attorneys' fees; a hundred and twenty some thousand dollars. Wants it, wanted it by the close of business yesterday. 'Cause he says, "I am going to be sentenced on Friday, and I've got to be able to get my financial affairs in order." I told this fellow O'Brien, "You came—all right, you came to the wrong man, fellow. I'm not involved in the money. Uh, I don't know a thing about it, can't help you." Said, "You better scramble around elsewhere." Now, O'Brien is, O'Brien is, is a ball player. He's been, he's carried tremendous water for us. Uh—

PRESIDENT. He isn't Hunt's lawyer, is he?

DEAN. No he is, he is our lawyer at the Re-election Committee.

PRESIDENT. I see. Good.

DEAN. So he's safe. There's no problem there. But it raises the whole question of Hunt now has made a direct threat against Ehrlichman, as a result of this. This is his blackmail. He says, "I will bring John Ehrlichman down to his knees and put him in jail. Uh, I have done enough seamy things for he and Krogh, uh, that they'll never survive it."

PRESIDENT. What's that, on Ellsberg?

DEAN. Ellsberg, and apparently some other things. I don't know the full extent of it. Uh—

PRESIDENT. I don't know about anything else.

DEAN. I don't know either, and I [laughs] almost hate to learn some of these

PRESIDENT. Yeah.

DEAN. things. So that's, that's that situation. Now, where are the soft points? How many people know about this? Well, uh, well, let me go one step further in this, this whole thing. The Cubans that were used in the Watergate were also the same Cubans that Hunt and Liddy used for this California Ellsberg thing, for the break-in out there.

PRESIDENT. Yeah.

DEAN. So they are, they are aware of that. How high their knowledge is, is something else. Hunt and Liddy, of course, are totally aware of, of, of it, and the fact that, uh, it was right out of the White House.

PRESIDENT. I don't know what the hell we did that for.

DEAN. I don't either.

PRESIDENT. What in the name of God did that—

DEAN. Mr. President, there have been a couple of things around here that I have gotten wind of. Uh, there was at one time a desire to do a second-story job on the Brookings Institute where they had the Pentagon Papers. Now I flew to California because I was told that John had instructed it and he said, "I really hadn't. It is a misimpression, that for Christ's sake, turn it off." And I did. I came back and turned it off. Because, you know the, when you, you know, if the risk is minimal and the, and the gain is fantastic, it's something else. But with a low risk and, uh, no gain, uh, gee, it's just, uh, it's not worth it. But—who knows about this all now? All right, you've got [clears throat] the Cubans' lawyer, a man by the name of Rothblatt, who is a no good, publicity seeking, son-of-a-bitch, to be very frank about it. He has had to be turned down and tuned off. He was canned by his own people 'cause they didn't trust him. They were trying to run a different route than he wanted to run. He

didn't want them to plead guilty. He wants to represent them before the Senate. So F. Lee Bailey, who was the partner of one of the, one of the men representing McCord, uh, got in and, and cooled Rothblatt down. So F. Lee, Lee Bailey's got knowledge. Uh, Hunt's lawyer, a man by the name of Bittman, who's an excellent criminal lawyer from the Democratic era of Bobby Kennedy, he's got knowledge. Uh—

PRESIDENT. Do you think, do you think, that he's got some? How much?

DEAN. Well, everybody—not only, all the, all the direct knowledge that Hunt and Liddy have, as well as all the hearsay they have.

PRESIDENT. I [unintelligible]

DEAN. Uh, you've got the two lawyers over at the Re-election Committee who did an investigation to find out the facts. Slowly, they got the whole picture. They are, I, they're solid, but they're—

PRESIDENT. But they know.

DEAN. But they know. Uh, you've got, then, an awful lot of—all the principals involved know. Uh, Hunt—Some people's wives know.

PRESIDENT. Sure.

DEAN. Uh, there's no doubt about that. Mrs. Hunt was the savviest woman in the world. She had the whole picture together.

PRESIDENT. Did she?

DEAN. Yeah, it, uh—Apparently, she was the pillar of strength in that family before the death, and, uh—

PRESIDENT. Great sadness. The basis, as a matter of fact [clears throat] there was some discussion over there with somebody about, uh, Hunt's problems after his wife died and I said, of course, commutation could be considered on the basis of his wife, and that is the only discussion I ever had in that light.

DEAN. Right. Uh, so that, that's it. That's the, the extent of the knowledge. Now, where, where are the soft spots on this? Well, first of all, there's the, there's the problem of the continued blackmail

PRESIDENT. Right.

DEAN. which will not only go on now, it'll go on when these people are in prison, and it will compound the obstruction of justice situation. It'll cost money. It's dangerous. Nobody, nothing—people around here are not pros at this sort of thing. This is the sort of thing Mafia people can do: washing money, getting clean money, and things like that, uh—we're—We just don't know about those things, because we're not used to, you know—we are not criminals and not used to dealing in that business. It's, uh, it's, uh—

PRESIDENT. That's right.

DEAN. It's a tough thing to know how to do.
PRESIDENT. Maybe we can't even do that.
DEAN. That's right. It's a real problem as to whether we could even do it. Plus there's a real problem in raising money. Uh, Mitchell has been working on raising some money. Uh, feeling he's got, you know, he's got one, he's one of the ones with the most to lose. Uh, but there's no denying the fact that the White House, and, uh, Ehrlichman, Haldeman, Dean are involved in some of the early money decisions.
PRESIDENT. How much money do you need?
DEAN. I would say these people are going to cost, uh, a million dollars over the next, uh, two years.
PRESIDENT. We could get that.
DEAN. Uh huh.
PRESIDENT. You, on the money, if you need the money, I mean, uh, you could get the money. Let's say—
DEAN. Well, I think that we're going—
PRESIDENT. What I meant is, you could, you could get a million dollars. And you could get it in cash. I, I know where it could be gotten.
DEAN. Uh huh.
PRESIDENT. I mean it's not easy, but it could be done. But, uh, the question is who the hell would handle it?
DEAN. That's right. Uh—
PRESIDENT. Any ideas on that?
DEAN. Well, I would think that would be something that Mitchell ought to be charged with.
PRESIDENT. I would think so too.
DEAN. And get some, get some pros to help him.
PRESIDENT. Let me say, there shouldn't be a lot of people running around getting money. We should set up a little—
DEAN. Well, he's got one person doing it who I am not sure is—
PRESIDENT. Who is that?
DEAN. He's got Fred LaRue, uh, doing it. Now Fred started out going out trying to
PRESIDENT. No.
DEAN. solicit money from all kinds of people. Now, I learned about that, and I said,
PRESIDENT. No.
DEAN. "My God,"
PRESIDENT. No.
DEAN. "It's just awful. Don't do it."
PRESIDENT. Yeah.
DEAN. Uh, people are going to ask what the money is for. He's working—He's apparently talked to Tom Pappas.
PRESIDENT. I know.
DEAN. And Pappas has, uh, agreed to come up with a sizeable amount, I gather, from, from
PRESIDENT. Yeah.
DEAN. Mitchell.

PRESIDENT. Yeah. Well, what do you need, then? You need, uh, you don't need a million right away, but you need a million. Is that right?

DEAN. That's right.

PRESIDENT. You need a million in cash, don't you? If you want to put that through, would you put that through, uh—this is thinking out loud here for a moment—would you put that through the Cuban Committee?

You need it in cash, don't you? If you want to put

DEAN. Um, no.

PRESIDENT. Or would you just do this through a [unintelligible] that it's going to be, uh, well, it's cash money, and so forth. How, if that ever comes out, are you going to handle it? Is the Cuban Committee an obstruction of justice, if they want to help?

DEAN. Well, they've got a pr—, they've got priests, and they—

PRESIDENT. Would you like to put, I mean, would that, would that give a little bit of a cover, for example?

DEAN. That would give some for the Cubans and possibly Hunt.

PRESIDENT. Yeah.

DEAN. Uh, then you've got Liddy, and McCord is not, not accepting any money. So, he's, he is not a bought man right now.

PRESIDENT. Okay.

DEAN. All right. Let, let me, uh,

PRESIDENT. Go ahead.

DEAN. continue a little bit here now. The, uh, I, when I say this is a, a growing cancer, uh, I say it for reasons like this. Bud Krogh, in his testimony before the Grand Jury, was forced to perjure himself. Uh, he is haunted by it. Uh, Bud said, "I haven't had a pleasant day on the job."

PRESIDENT. Huh? Said what?

DEAN. He said, "I have not had a pleasant day on my job." Uh, he talked, apparently, he said to me, "I told my wife all about this," he said. "The, uh, the curtain may ring down one of these days, and, uh, I may have to face the music, which I'm perfectly willing to do." Uh—

PRESIDENT. What did he perjure himself on, John?

DEAN. His, did, uh, did he know the Cubans? He did. Uh—

PRESIDENT. He said he didn't?

DEAN. That's right. They didn't press him hard, or that he—

PRESIDENT. He might be able to—I am just trying to think. Perjury is an awful hard rap to prove. He could say that I—Well, go ahead.

DEAN. [Coughs] Well, so that's, that's the first, that's one perjury. Now, Mitchell and, and, uh, Magruder are potential perjuries. There is always the possibility of any one of these individuals blowing. Hunt. Liddy. Liddy is in jail right now; he's serving his—trying to get good time right now. I think Liddy is probably, in his, in his own bizarre way, the strongest of all of them. Uh, so there's, there is that possibility.

PRESIDENT. Well, your, your major, your major guy to keep under control is Hunt.
DEAN. That's right.
PRESIDENT. I think. Because he knows
DEAN. He knows so much.
PRESIDENT. about a lot of other things.
DEAN. He knows so much. Right. Uh, he could sink Chuck Colson. Apparently, apparently he is quite distressed with Colson. He thinks Colson has abandoned him. Uh, Colson was to meet with him when he was out there, after, now he had left the White House. He met with him through his lawyer. Hunt raised the question; he wanted money. Colson's lawyer told him that Colson wasn't doing anything with money, and Hunt took offense with that immediately, that, uh, uh, that Colson had abandoned him. Uh—
PRESIDENT. Don't you, just looking at the immediate problem, don't you have to have—handle Hunt's financial situation
DEAN. I, I think that's,
PRESIDENT. damn soon?
DEAN. that is, uh, I talked to Mitchell about that last night,
PRESIDENT. Mitchell.
DEAN. and, and, uh, I told—
PRESIDENT. Might as well. May have the rule you've got to keep the cap on the bottle that much,
DEAN. That's right; that's right.
PRESIDENT. in order to have any options.
DEAN. That's right.
PRESIDENT. Either that or let it all blow right now.
DEAN. Well that. you know, that's the, that's the question. Uh—
PRESIDENT. Now, go ahead. The others. You've got Hunt;
DEAN. All right, now we've got—
PRESIDENT. you've got Krogh, and you've got—
DEAN. Now we've got Kalmbach. [Coughs]
PRESIDENT. Yeah, that's a tough one.
DEAN. Kalmbach received
PRESIDENT. [Unintelligible]
DEAN. at the close of the, of the, uh, '68 campaign, in January of '69, he got a million seven dollars, uh, a million seven hundred thousand dollars to be custodian for. That came down from New York. It was placed in safe deposit boxes here. Uh, some other people were on the boxes, and ultimately, the money was taken out to California. All right, there is knowledge of the fact that he did start with a million seven. Several people know this. Now since '69, he's spent a good deal of this money and, and, uh, accounting for it is going to be very difficult for Herb. For example, he's spent—oh—close to five hundred thousand dollars on private polling. Now that just opens up a whole new thing. It's not illegal, but, uh, it's more of the same sort of thing.

PRESIDENT. I don't think that poses a hell of a problem, does it?
DEAN. No, I don't think so. Uh—
PRESIDENT. Practically everybody does polling.
DEAN. That's right, uh, it's not, there's nothing criminal about it. It was private polled. It was,
PRESIDENT. Nothing—
DEAN. uh, proper money.
PRESIDENT. The law didn't, the law didn't [unintelligible] [coughs] polled all through the years.
DEAN. That's right. Uh, he sent four hundred thousand dollars, as he's described it to me, somewhere in the South for another candidate. I assume this was four hundred, uh, that went
PRESIDENT. Wallace.
DEAN. to Wallace. Right. Uh, he has maintained, uh, a, a man who I only know by the name of "Tony," who is the fellow who did the, the Chappaquidick study and
PRESIDENT. I heard about that.
DEAN. other, other odd jobs like that. Nothing illegal,
PRESIDENT. Yeah.
DEAN. uh, but closer. Uh, I don't know of anything that Herb has done that is illegal, other than the fact that he doesn't want to blow the whistle on a lot of people, and may find himself in a perjury situation.
PRESIDENT. Well, if he, uh, he could—because he will be asked about that money?
DEAN. He will. What'll happen is, when they call him up there—and he of course has no immunity, uh, they'll say, "How did you happen—how did you pay Mr. Segretti?" "Well, I had cash on hand." "Well, how much cash did you have on hand?"
PRESIDENT. Right.
DEAN. Uh, where does he go from there? "Where did you get the cash?"
PRESIDENT. Uh huh.
DEAN. A full series of questions. His bank records indicate he had cash on hand, because some of these were set up in trustee accounts.
PRESIDENT. How would you handle him, then, John. For example, would you just have him put the whole thing out?
DEAN. [Draws breath]
PRESIDENT. I don't think so. I mean I don't mind the five hundred thousand dollars and I don't mind the four hundred thousand dollars
DEAN. No, that,
PRESIDENT. for activities [unintelligible]
DEAN. that, that, uh, that doesn't bother me either. There's—as I say, Herb's problems are
PRESIDENT. There's a surplus—
DEAN. politically embarrassing, but not as—not criminal.

PRESIDENT. Well, they're embarrassing, sure—he, he just handled matters that were between the campaigns, before anything was done. There were surveys, et cetera, et cetera, et cetera, et cetera. There is no need to account for that. No law requires him to account for that.

DEAN. Right. Uh, now—

PRESIDENT. The source of the money, there's no illegality in having a surplus, is there, in cash after—?

DEAN. No, the money—It has always been argued by Stans—came from pre-convention

PRESIDENT. Pre-convention.

DEAN. for the—and pre-primary for the, for the, uh,

PRESIDENT. That's right.

DEAN. '68 race.

PRESIDENT. That's right.

DEAN. It was just set aside.

PRESIDENT. That's right.

DEAN. Uh, that, that all can be explained. I think that the—

PRESIDENT. All right. How do your other vulnerabilities go together?

DEAN. The other vulnerabilities: We've got a, uh, runaway Grand Jury up in the Southern District.

PRESIDENT. Yeah. I heard.

DEAN. They're after Mitchell and Stans on some sort of bribe or influence peddling

PRESIDENT. On Vesco.

DEAN. with Vesco.

PRESIDENT. Yeah.

DEAN. Uh, they're also going to try to drag Ehrlichman into that. Apparently, Ehrlichman had some meetings with Vesco, also. Uh, Don Nixon, Jr., came in to see John a couple of times, uh, about the problem.

PRESIDENT. Not about the complaint.

DEAN. That, there's, uh—the fact of the matter is—

PRESIDENT. [Unintelligible] about a job.

DEAN. That's right. And, and, and, uh, I—

PRESIDENT. We're, is it—Ehrlichman's totally to blame on that.

DEAN. Yeah, well, I think the White House—

PRESIDENT. [Unintelligible]

DEAN. No one has done anything for—

PRESIDENT. —Vesco. Matter of—not for the prosecutor.

DEAN. No. [Coughs] The, uh—

PRESIDENT. Would Ehrlichman, incidentally, have to appear there?

DEAN. Before that Grand Jury? Yes. He could very well.

PRESIDENT. Uh, we couldn't presume immunity there?

DEAN. Not really. Uh, criminal charge—

PRESIDENT. Criminal charge—Yeah, well [unintelligible] charge [unintelligible]. Go ahead.

DEAN. Right. That's a little different. [Clears throat] I think that would be dynamite to defend, uh,

PRESIDENT. Yeah.

DEAN. against that.

PRESIDENT. Also, he, he distinguishes it. He says, "It's a criminal charge; I'll be glad to go up." Use the Flanigan

DEAN. Right.

PRESIDENT. analogy.

DEAN. Right, uh, [clears throat] well that's, that's pretty much the overall picture, and probably the most troublesome thing—well the Segretti thing. Let's get down to that. I think, Bob has indicated to me he told you a lot of, of it, that he, indeed, did authorize it. He didn't authorize anything like ultimately evolved.

PRESIDENT. Yeah.

DEAN. He was aware of it. He was aware that Chapin and Strachan were looking for somebody.

PRESIDENT. Yeah.

DEAN. Again, this is one that, uh, it is potential that Dwight Cha—, Chapin could have a felony charge against him in this, because he's—

PRESIDENT. Felony?

DEAN. Felony, because he has to, he has to disprove a negative. The negative is that he didn't control and direct Segretti.

PRESIDENT. Would the felony be in perjury again? Or—

DEAN. Uh, no, the felony this in this instance being a potential use of the, one of the civil rights statutes, for anybody who interferes with a candidate for, uh, national office—no, in—, interferes with their campaign in any way.

PRESIDENT. Why isn't that a civil rights statute used to pick up any of these clowns that were demonstrating against us, then?

DEAN. Well, I have, I've, I've argued that they use that for that very purpose. Uh—

PRESIDENT. Really?

DEAN. Yes, I have. And, uh—

PRESIDENT. We were, those were, uh, that was interfering with the campaign.

DEAN. That's exactly right. Exactly right. But they—

PRESIDENT. Segretti—But I think, uh, I'm not as concerned about that because it's so bad the way it's been put out on the PR side, then I think it will eventually end up on the PR side very confused. And it'll look bad when that's attributed, but I don't, I can't see the criminal thing, but I may be wrong.

DEAN. Well here, what really, what really bothers me is that this, this growing situation. As I say, it is growing because of the, the continued need to provide support for the

PRESIDENT. Right.

DEAN. Watergate people who are going to

PRESIDENT. Yeah.

DEAN. hold us up for everything they've got,

PRESIDENT. That's right.

DEAN. and the need for some people to perjure themselves as they go down the road here. Uh, if this thing ever blows, and we're in a cover-up situation, I think it'd be extremely damaging to you, uh, and, uh, the, uh—

PRESIDENT. Sure.

DEAN. Uh—

PRESIDENT. The whole concept of Administration justice

DEAN. That's right, uh—

PRESIDENT. We cannot have—

DEAN. That's what really troubles me. For example, what happens if it starts breaking, and they do find a criminal case against a Haldeman, a Dean, a Mitchell, an Ehrlichman? Uh, that is—

PRESIDENT. Well if it really comes down to that, we cannot, maybe— We'd have to shed it in order to contain it again.

DEAN. [Clears throat] That's right. I'm coming down to the, what I really think is that, that, Bob and John and John Mitchell and I should sit down and spend a day, or however long, to figure out (1) how this can be carved away from you, so it does not damage you or the Presidency. 'Cause it just can't. And it's not something, it, you're not involved in it and it's something you shouldn't—

PRESIDENT. That is true.

DEAN. I know, sir, it is. Well I can just tell from our conversations that, you know, these are things that you have no knowledge of.

PRESIDENT. The absurdity of the whole damned thing,

DEAN. But it—

PRESIDENT. bugging and so on. Well, let me say I am keenly aware of the fact that, uh, Colson, et al., and so forth, were doing their best to get information and so forth and so on. But they all knew very well they were supposed to comply with the law.

DEAN. That's right.

PRESIDENT. No question.

DEAN. Uh—

PRESIDENT. [Unintelligible] you think—you feel that really the man, the trigger man was Colson on this then?

DEAN. Well, no, he was one of s—, he was just in the chain. He was, he helped push the thing.

PRESIDENT. Called [unintelligible] and said, "We've got a, we've got a good plan." I don't know what the Christ he would be doing. Oh, I'll bet you. I know why. That was at the time of ITT. He was trying to get something going there because ITT, they were bugging us. I mean they were

DEAN. Right.

PRESIDENT. giving us hell.

DEAN. Well, I know, I know he used, uh,

PRESIDENT. Hunt to go out there?

DEAN. Hunt.

PRESIDENT. I knew about that.
DEAN. Yeah.
PRESIDENT. I did know about it. Uh, I knew that there was, there was something going on there,
DEAN. Right.
PRESIDENT. but I didn't know it was Hunt.
DEAN. Right. Uh, that's what re—, what really troubles me is, you know, (1) will this thing not break some day and
PRESIDENT. Yeah.
DEAN. the whole thing—domino situation,
PRESIDENT. Yeah.
DEAN. you know, they just, I think if it starts crumbling, fingers will be pointing. And,
PRESIDENT. That's right.
DEAN. uh,
PRESIDENT. That's right.
DEAN. Bob will be accused of things he has never heard of
PRESIDENT. Yeah.
DEAN. and then he'll have to disprove it, and it'll just get nasty and it'll be a
PRESIDENT. Yeah.
DEAN. real, uh,
PRESIDENT. Yeah.
DEAN. real bad situation. And the person who will be hurt by it most will be you and
PRESIDENT. Of course.
DEAN. the Presidency, and I just don't think—
PRESIDENT. First, because I am expected to know this, and I am supposed to, supposed to check these things. And so forth
DEAN. That's right.
PRESIDENT. and so on. But let's, let's, let's come back. Go further. Sure. Yes indeed. But what are your feelings, yourself, John? You know pretty well what they all say. What are your feelings about the options?
DEAN. I am not confident that, uh, we can ride through this. I think there are t—, I think there are soft spots.
PRESIDENT. You used to feel comfortable.
DEAN. Well, I feel, I felt, I felt comfortable for this reason. I've noticed of recent—since the publicity has increased on, on this thing again, with the Gray hearings, that everybody is now starting to watch out for their own behind. Uh—
PRESIDENT. That's right.
DEAN. Everyone's pulling in. They're getting their own counsel. More counsel are getting
PRESIDENT. Right.
DEAN. involved.
PRESIDENT. Right.
DEAN. Uh, you know, "How do I protect my ass?"
PRESIDENT. Well, they're scared.
DEAN. They're scared and that's just, you know, that's bad. We were able to hold it for a long time.

PRESIDENT. Yeah, I know.

DEAN. Uh, another thing is, you know, my facility now to deal with the multitude of people I have been dealing with has been hampered because of Gray's blowing me up into the front page.

PRESIDENT. Your cover is broken.

DEAN. That's right and it's with, it was—

PRESIDENT. [Unintelligible] cover. All right. Now. So on. So, so what you really come down to is, what in the hell, in the hell will you do? Let's, let us suppose that you and Haldeman and Ehrlichman and Mitchell say, uh, "We can't hold this." What, what then are you going to say? Are you going to put out a complete disclosure? Isn't that the best plan?

DEAN. Well, one way to do it is to—

PRESIDENT. That'd be my view on in it.

DEAN. One way to do it is for you to in—, tell the Attorney General that you finally, you know, really, this is the first time you are getting all the pieces together. Uh—

PRESIDENT. Ask for another grand jury?

DEAN. Ask for another grand jury. The way it should be done though, is a way that—for example, I think that we could avoid, uh, criminal liability for countless people and the ones that did get it, it could be minimal.

PRESIDENT. How?

DEAN. Well, I think by just thinking it all through first as to how, you know, some people could be granted immunity, uh—

PRESIDENT. Like Magruder?

DEAN. Yeah. To come forward. Uh, but some people are going to have to go to jail. That's the long and short of it, also.

PRESIDENT. Who? Let's talk about that.

DEAN. All right. Uh, I think I could, for one.

PRESIDENT. You go to jail?

DEAN. That's right.

PRESIDENT. Oh, hell no. I can't see how you can. But I—no,

DEAN. Well, because—

PRESIDENT. I can't see how, that—Let me say I can't see how a legal case could be made against you, J—, uh, John.

DEAN. It'd be, it'd be tough but, you know. uh,

PRESIDENT. Well.

DEAN. I can see people pointing fingers, you know, to get it out of their own, put me in the impossible position, disproving too many negatives.

PRESIDENT. Oh, no. Uh, let me say I—not because you're here—But just looking at it from a cold legal standpoint: you are a lawyer, you were a counsel—you were doing what you were doing as a counsel, and you were not, uh,

DEAN. [Clears throat]

PRESIDENT. doing anything like that. You mean—What would you go to jail on [unintelligible]?

DEAN. The obstruc—, the obstruction of justice.

PRESIDENT. The obstruction of justice?

DEAN. That's the only one that bothers me.

PRESIDENT. Well, I don't know. I think that one. I think that, I feel, could be cut off at the pass. Maybe the obstruction of justice—

DEAN. It could be a—you know how—one of the—that's, that's why—[sighs]

PRESIDENT. Sometimes it's well to give them

DEAN. [Sighs]

PRESIDENT. something, and then they don't want the bigger fish then.

DEAN. That's right. I think that, uh, I think that with proper coordination with the Department of Justice, Henry Petersen is the only man I know bright enough and knowledgeable enough in the criminal laws and the process that could really tell us how this could be put together so it did the maximum to carve it away with a minimum damage to individuals involved.

PRESIDENT. Petersen doesn't know

DEAN. That's what I think.

PRESIDENT. the whole story?

DEAN. No, I know he doesn't now. I know he doesn't now. I am talking about somebody who I have over the years grown to have faith in. [Clears throat] It's possible that he'd have to, he'd have to, uh—put him in a very difficult situation as the Head of the Criminal Division of the United States Department of Justice, and the oath of office—

PRESIDENT. Tell me—Talking about your obstruction of justice role. I don't see it. I can't see it. You're—

DEAN. Well, I've been a con—, I have been a conduit for information on, on taking care of people out there who are guilty of crimes.

PRESIDENT. Oh, you mean like the uh, oh—the blackmail.

DEAN. The blackmail. Right.

PRESIDENT. Well, I wonder if that part of it can't be—I wonder if that doesn't—let me put it frankly: I wonder if that doesn't have to be continued?

DEAN. [Clears throat]

PRESIDENT. Let me put it this way: let us suppose that you get, you, you get the million bucks, and you get the proper way to handle it, and you could hold that side.

DEAN. Uh huh.

PRESIDENT. It would seem to me that would be worthwhile.

DEAN. [Clears throat]

PRESIDENT. Now we have

DEAN. Well, that's, yeah that's—

PRESIDENT. One problem; you've got a problem here. You have the problem of Hunt and, uh, his, uh, his clemency.

DEAN. That's right. And you're going to have the clemency problem for the others. They all would expect to be out and that may put you in a position that's just
PRESIDENT. Right.
DEAN. untenable at some point. You know, the Watergate Hearings just over, Hunt now demanding clemency or he is going to blow. And politically, it'd be impossible for, you know, you to do it. You know, after everybody—
PRESIDENT. That's right.
DEAN. I am not sure that you will ever be able to deliver on the clemency. It may be just too hot.
PRESIDENT. You can't do it till after the '74 elections, that's for sure. But even then
DEAN. [Clears throat]
PRESIDENT. your point is that even then you couldn't do it.
DEAN. That's right. It may further involve you in a way you shouldn't be involved in this.
PRESIDENT. No it's wrong; that's for sure.
DEAN. Well, whatever—you know I—there've been some bad judgments made. There've been some necessary judgments made. Uh—
PRESIDENT. Before the election.
DEAN. Before the election and, in a way, the necessary ones, you know, before the election. There—you know, we've, this was
PRESIDENT. Yeah.
DEAN. —to me there was no way
PRESIDENT. Yeah.
DEAN. that, uh—
PRESIDENT. Yeah.
DEAN. But to burden this second Administration
PRESIDENT. We're all in on it.
DEAN. was something that—It's something that is not going to go away.
PRESIDENT. No it isn't.
DEAN. It is not going to go away, sir.
PRESIDENT. Not going to go away, it is—the idea that, uh, that, uh, well, that, uh, that people are going to get tired of it and all that sort of thing—
DEAN. Anything will spark it back into life. It's got to be, uh, it's got to be—
PRESIDENT. Well, it's too much to the partisan interest of others to spark it back into life.
DEAN. And it seems to me the only way that—
PRESIDENT. Who else, though? Let's, let's leave you and—I don't, I don't, I don't think on the, on, uh, on the obstruction of justice thing—I think that one we can handle. I, I don't know why I feel that way, but I—
DEAN. Well, it is possible that I—
PRESIDENT. I, I think you may be overplaying, but who else, uh, who else, who else do you think has, uh—
DEAN. Potential criminal liability?
PRESIDENT. Yeah.

DEAN. I think Ehrlichman does. I think that, uh—I think—
PRESIDENT. Why Ehrlichman? What'd he do?
DEAN. Because this conspiracy to burglarize the, uh, uh, Ellsberg office.
PRESIDENT. You mean—that, that is, provided Hunt breaks.
DEAN. Well, uh, the, the funny—let me say something interesting about that. Within the files—
PRESIDENT. Oh, I saw that. The picture.
DEAN. Yeah, the picture. That, see, that's not all that buried. And, while we can, we've got—I think we've got it buried, there is no telling when it's going to pop up. Uh, the Cubans, uh, could start this whole thing. Uh, when the Ervin Committee starts running down why this mysterious telephone was here at the White House, uh, listed in the name of a secretary—one of these, some of these secretaries have a little idea about this, and they can be broken down just
PRESIDENT. Sure.
DEAN. so fast. That's another thing I missed, missed in the cycle—in the circle. Uh, Liddy's secretary, for example, is knowledgeable. Magruder's secretary is knowledgeable.
PRESIDENT. Sure.
DEAN. Uh—
PRESIDENT. So Ehrlichman on the, uh—
DEAN. But what I am coming to you today with is: I don't have a plan of how to solve it right now, but I think it's at the juncture that we should begin to think in terms of, of how to cut the losses; how to minimize the further growth of this thing, rather than further compound it by, you know, ultimately paying these guys forever.
PRESIDENT. Yeah.
DEAN. I think we've got to look—
PRESIDENT. But at the moment, don't you agree that you'd better get the Hunt thing? I mean, that's worth it, at the moment.
DEAN. That, that's worth buying time on, right.
PRESIDENT. And that's buying time on, I agree.
DEAN. Uh, the, the Grand Jury is going to reconvene next week after Sirica sentences. Uh, but that's why I think that, you know, that—John and Bob have met with me. They've never met with Mitchell on this. We've never had a real down and out with everybody that, uh, has the most to lose. And the most—and it is the most danger for you to have them have criminal liability. I think Bob has a potential criminal liability, frankly. I think—in other words, a lot of these people could be indicted. They might never,
PRESIDENT. Yeah.
DEAN. might never, uh, be convicted; but just the thought of
PRESIDENT. Suppose—

DEAN. indictments—

PRESIDENT. Suppose that they are indicted in this. Suppose—

DEAN. I think that would be devastating.

PRESIDENT. Suppose the worst—that Bob is indicted and Ehrlichman is indicted. And I must say, maybe we just better then try to tough it through. You get my point.

DEAN. That's right. That—

PRESIDENT. If, if, if, for example, our, uh, our—say, well, let's cut our losses and you say we're going to go down the road, see if we can cut our losses, and no more blackmail and all the rest, and the thing blows and they indict Bob and the rest. Jesus, you'd never recover from that, John.

DEAN. That's right.

PRESIDENT. It's better to fight it out instead. You see, that's the other thing, the other thing. It's better just to fight it out, and not let people testify, so forth and so on. Now, on the other hand, we realize that we have these weaknesses—that, uh, we, we've got this weakness in terms of—blackmail.

DEAN. It's—what—if we, you know, there, there are two routes, you know: One is to figure out how to cut the losses and, and, and minimize the, the human impact and get you up and out and away from it, in any way, uh, in, in a way that would never come back to haunt you. Uh, that is one, one general alternative. The other is to go down the road, just hunker down, fight it at every corner, every turn, uh, don't let people testify, cover it up is what we're really talking about. Just keep it buried, and just hope that we can do it, hope that we make good decisions at the right time, and keep our heads cool, uh, we make the right moves, uh—

PRESIDENT. And just take the heat.

DEAN. And just take the heat.

PRESIDENT. Now, with the second line of attack. You discussed this though I do want you to still consider my scheme of having y—, you brief the Cabinet, just in very general terms, and the leaders—very general terms—and maybe some, some very general statement with regard to my investigation. Answer questions, and to, and to basically on the question of what they told you, not what you know.

DEAN. Right.

PRESIDENT. Haldeman is not involved. Ehrlichman—

DEAN. Oh, I can—you know—if, if we go that route, sir, I can, I can give a show that, you know, there's, uh, we can sell, you know, just about like we were selling Wheaties on our position. There's no—

PRESIDENT. The problem that you have are these, uh, mine fields down the road. I think the most difficult problem is the, are the, are the, are the guys that are going to jail. I think you're right about that. I agree. Now.

And also the fact that we're not going to be able to give them clemency.

DEAN. That's right. How long will they take—How long will they sit there? I don't know. We don't know what they will be sentenced to. There's always a chance—

PRESIDENT. Thirty years, isn't it? Maximum?

DEAN. It could be. You know, they haven't announced yet, but it, uh—

PRESIDENT. Isn't that what the potential is?

DEAN. Uh, it's even higher than that. It's about fifty years, with all the—

PRESIDENT. So ridiculous.

DEAN. Oh well, you know, what's so incredible is, the, these fellows who, who sh—

PRESIDENT. People break and enter, and so forth, and get two years.

DEAN. Well, the other thing—

PRESIDENT. No, no weapons. No results. What the hell are they talking about?

DEAN. The, the individuals who are charged with shooting John Stennis are on the street. They were given, you know, uh, one was put out on his personal recognizance rather than bond. They've got these fellows all stuck with hunderd thousand dollar bonds. The same Judge—Sirica—let one guy, who, who's [laughs] charged with shooting a United States Senator, out on the street.

PRESIDENT. Sirica did?

DEAN. Yeah. It's just, it's phenomenal.

PRESIDENT. What is the matter with him? I thought he was a hardliner judge.

DEAN. He's a, he is just a, a peculiar animal, and, uh, he set, set the bond for one of the others—I don't have all the facts, but he set the bond for one of the others—somewhere around fifty or sixty thousand dollars. But still, that guy is in, but—didn't make bond—but, you know, sixty thousand dollars as opposed to a hundred thousand dollars for these guys is phenomenal.

PRESIDENT. When could you have this meeting with these fellows, as I think that time is of the essence, in my opinion.

DEAN. [Clears throat]

PRESIDENT. Could you do it this afternoon?

DEAN. Well, Mitchell isn't here, and—

PRESIDENT. Tomorrow?

DEAN. It might be, might be worth it to have him come down. And, now, I think that Bob and John did not want to talk to, to John about this, John Mitchell. And I don't believe they've had any conversations with him about it.

PRESIDENT. Well, let me get Haldeman in here now.

DEAN. Bob and I have talked about just what we're talking about this morning. I told him I thought that you should have the facts, and he agrees. 'Cause we've got some tough calls down the road if we—

PRESIDENT. Let me say, though that Hunt [unintelligible] hard line, and that a convicted felon is going to go out and squeal [unintelligible] as we about this [unintelligible] decision [unintelligible] turns on that.

DEAN. Well, we can always, you know, on the other side, we can always charge them with blackmailing us, and it's, you know, this is absurd stuff they're saying, and—

PRESIDENT. That's right. You see, even the way you put it out here, of course if it all came out, it may never, it may not—never, never get there.

[Haldeman enters the room.]

PRESIDENT. I was talking to John about this, uh, this whole situation, and I think we, uh, so that we can get away from the bits and pieces that have broken out. He is right in having—in, in, uh, recommending that, that, uh, that there be a meeting at the very first possible time. Ehrlichman, and now Ehrlichman's gone on to California but, uh, is today, uh—is tomorrow Thursday?

HALDEMAN. Uh, he—John doesn't go until Friday.

DEAN. Friday—

PRESIDENT. Well, in any event, could we do it Thursday? This meeting? This meeting—you can't do it today, can you?

DEAN. I don't think so. I was suggesting a meeting with Mitchell—

PRESIDENT. Mitchell, Ehrlichman, yourself and Bob, that's all. Now, Mitchell has to be there because, uh, uh, he is seriously involved and, uh, we're trying to keep, uh, we've got to see how we, uh, how we handle it from here on. We are in the process of having to determine which way to go and, uh, John has thought it through as well as he can. I do, I don't want Moore there on this occasion.

DEAN. No.

PRESIDENT. You haven't told Moore all of this, have you?

DEAN. Moore's got, uh, by being with me, has more bits and pieces. I've had to give him

PRESIDENT. Right.

DEAN. because he is making

PRESIDENT. Right.

DEAN. judgments that, uh—

PRESIDENT. Well, the point is, once you get down to the PR, once you decide what you're going to do, then we can let him know, and so forth and so on. But it is the kind of thing—I think what really has to happen is for you to sit down with those three and for you to tell them exactly what you told me.

DEAN. Uh huh.

PRESIDENT. It may take him about thirty-five or forty-five minutes. In other words he knows, John, uh, uh, knows about everything and also what all the, uh, what all the potential criminal liabilities are, you know, whether it's, uh—what's it like that thing—what about, uh, obstruction—

DEAN. Obstruction of justice. Right.

PRESIDENT. So forth and so on. And, uh, the, uh—I think, I think that's—Then we've got to, uh, see what the line is. Whether the line is one of, uh, continuing to, uh, run a, try to run a total stonewall, and take the heat from that, uh, having in mind the fact that, uh, there are vulnerable points there; the vulnerable points being, that, well, the first vulnerable points would be obvious. In other words, it would be if, uh, uh, one of the, uh, defendants, particularly Hunt, of course, who is the most vulnerable in my opinion, might, uh, blow the whistle, and he, he—and his price is pretty high, but at least, uh, we should, we should buy the time on that, uh, as I, as I pointed out to John. Apparently—Who, who is dealing with Hunt at the moment now that Colson's [unintelligible]

DEAN. Well, uh, Mitchell's lawyer and, uh,

PRESIDENT. Colson's lawyer [unintelligible]

DEAN. Colson's lawyer, both.

PRESIDENT. familiar with him. Hunt has at least got to know before he is sentenced, that he's—

HALDEMAN. Who's Colson's lawyer? [Characterization deleted] in his law firm?

DEAN. Shapiro. Right. Who lied to the, you know, who just—The other day he came up and—

HALDEMAN. Colson's told him everything, hasn't he?

DEAN. Yup, I gather he has. Uh, the other thing that bothered me about that is that he's, uh, a chatter. He came up to Fred Fielding, of my office, at Colson's going away party. I didn't go over there. It was over at the Blair House the other night. And he said to, uh, Fred, he said, "Well, Chuck has had some mighty serious words with, uh, his, his friend Howard and had some mighty serious messages back." Now, you know, what's a lawyer—how does he know what Fielding knows? Cause Fielding knows virtually nothing. [Laughs]

PRESIDENT. Well, anyway.

HALDEMAN. That's, that's where your dangers lie, is in all these stupid human errors developing.

PRESIDENT. That's very—

DEAN. That's—that—

PRESIDENT. Well, the point is Bob, let's face it, the secretaries know; the assistants know. There's a lot of the, many of the damn principals may be hard as a rock, but you never know when they're going to crack. But,

so, we'll see; we'll see. First you've got the Hunt problem. That ought to be handled.

DEAN. Yeah.

PRESIDENT. Uh, incidentally, I do not think Colson should sit in this meeting. Do you agree?

DEAN. No. I would agree.

PRESIDENT. Okay. Uh, how then—Who does sit and talk to Colson? Because somebody has to, shouldn't we talk to—

DEAN. Chuck, uh—

PRESIDENT. —talks too much.

DEAN. [Sighs] I, I, you know, I like Chuck, [laughs] but, uh, I don't want Chuck to know anything that I'm doing, frankly. [Laughs]

PRESIDENT. All right.

HALDEMAN. I think that's right. I, I think you want to be careful not to give Chuck any more knowledge than he's already got.

DEAN. That's right.

PRESIDENT. Sure. Well—

DEAN. I wouldn't want Chuck to even know of the meeting, frankly.

PRESIDENT. Fortunately, fortunately, with Chuck it is very—I, I talk to him about many, many political things, but I never talk about this sort of thing 'cause he's, uh, he's very harmful, I meain I don't think—he must be damn sure I don't know anything. And I don't. In fact, I'm rather surprised at what you told me today. From what you said, I gathered the impression, and of course your, your, your analysis does not for sure, uh, indicate that Chuck knew that it was a bugging operation for certain.

DEAN. That's correct. I don't have—

PRESIDENT. On the other hand, on the other hand that,

DEAN. Chuck, Chuck denies that—

PRESIDENT. on the other hand, the other side of that is that Hunt had conversations with Chuck, and it may be that Hunt told Chuck that it was bugging, and so forth and so on.

DEAN. Uh huh.

PRESIDENT. Is that correct?

DEAN. Uh huh. They were very close. They, they talked too much, uh, about too many things.

PRESIDENT. Yeah.

DEAN. They were intimate on this sort of—[coughs]

HALDEMAN. Well then Chuck—

PRESIDENT. There's another thing you can't—

HALDEMAN. Chuck has a problem. Chuck loves,

PRESIDENT. Yeah.

HALDEMAN. he loves what he does.

PRESIDENT. Yeah.

HALDEMAN. He likes to talk about it.

PRESIDENT. He also is a name dropper. Chuck might have gone around and talked to Hunt and said, "Well, I was talking to the President, and the President feels we ought to get information about this, or that or the other thing." and so forth, and so on.

DEAN. Well, Liddy is the same way, and—

PRESIDENT. I have talked to, I have talked to—this and that and the other thing. I, I have never talked to anybody, but I have talked to Chuck and John and the rest and I am sure that Chuck may have, Chuck might have even talked to Hunt along those lines.

HALDEMAN. I would—Well, anything could happen. I would doubt that.

DEAN. I would doubt that too.

HALDEMAN. I don't think he would. Uh, Chuck is a name dropper in one sense, but not in that sense.

PRESIDENT. Well, then do you think—

HALDEMAN. I think he very carefully keeps the President out of things

PRESIDENT. Right.

HALDEMAN. except when he's doing it, when he's very intentionally bringing the President in for, for the President's purposes.

PRESIDENT. He had the impression though, apparently, that he, he was the, as it turns out, really is the trigger man. Uh, may of damn well have been the trigger man where he just called up and said, "Now look here Jeb, go ahead and get that information." And [unintelligible] got to be a decision on it at that time. This is February.

DEAN. Yes, sir, I figure it was somewhere—

PRESIDENT. It must be the—I—it must have been after—

DEAN. This was the call to Magruder from Colson saying "Fish or cut bait." Hunt and Liddy were in his office.

HALDEMAN. In Colson's office?

DEAN. In Colson's office. And he called Magruder and said, "Let's fish or cut bait on this operation. Let's get it going."

HALDEMAN. Oh, really?

DEAN. Yeah. This is—Magruder tells me this.

HALDEMAN. Of course. That—

PRESIDENT. Well on the other hand—

HALDEMAN. Now wait, Magruder testified [unintelligible]

[SEVERAL VOICES.] [Unintelligible]

DEAN. Chuck, Chuck also told me that, uh, Hunt and Liddy were in his office and he made a call.

HALDEMAN. Oh, okay.

DEAN. So it did, it was corroborated [laughs] by the, the principal.

HALDEMAN. Hunt and Liddy haven't told you that, though?

DEAN. No.

HALDEMAN. You haven't talked to Hunt and Liddy?

DEAN. I talked to Liddy once, right after the incident.

PRESIDENT. That's right, but not—all right. The point is, the point is this, that, uh, it's now time, though, to, uh, that Mitchell has got to sit down, and know where the hell all this thing stands, too. You see, John is concerned, as you know, Bob, about, uh, Ehrlichman, which, uh, worries me a great deal because it's a, uh, it—and it, and this is why the Hunt problem is so serious, uh, because, uh, it had nothing to do with the campaign.

DEAN. Right, it, uh—

PRESIDENT. Properly, it has to do with the Ellsberg thing. I don't know what the hell, uh—

HALDEMAN. But why—

PRESIDENT. Yeah. Why—I don't know.

HALDEMAN. What I was going to say is—

PRESIDENT. What is the answer on that? How do you keep that out? I don't know. Well, we can't keep it out if Hunt—if—You see the point is, it is irrelevant. Once it has gotten to this point—

DEAN. You might, you might put it on a national security ground, basis, which it really, it was.

HALDEMAN. It absolutely was.

DEAN. And just say that, uh,

PRESIDENT. Yeah.

DEAN. that this is not, you know, this was—

PRESIDENT. Not paid with CIA funds.

DEAN. Uh—

PRESIDENT. No, seriously. National security. We had to get information for national security grounds.

DEAN. Well, then the question is, why didn't the CIA do it or why didn't the FBI do it?

PRESIDENT. Because they were—We had to do it, we had to do it on a confidential basis.

HALDEMAN. Because we were checking them?

PRESIDENT. Neither could be trusted.

HALDEMAN. Well, I think

PRESIDENT. That's the way I view it.

HALDEMAN. that has never been proven. There was reason to question their

PRESIDENT. Yeah.

HALDEMAN. position.

PRESIDENT. You see really, with the Bundy thing and everything coming out, the whole thing was national security.

DEAN. I think we can probably get, get by on that.

PRESIDENT. I think on that one, I think you'd simply say this was a national security investigation that was conducted. And the same with the drug field, with Krogh. Krogh could say I—if Krogh were to—if [unintelligible] feels that he [unintelligible] It was a national security matter. That's why—

DEAN. That's the way Bud rests easy, because he's, he's, he's convinced that he was doing it—he said there was treason about the country,

PRESIDENT. Uh huh.

DEAN. and it could have threatened the way the war was handled.

PRESIDENT. Yeah.

DEAN. Uh, and by God—

PRESIDENT. Bud, Bud said this?

DEAN. Yes.

PRESIDENT. Well, Bud could say that and say this, it does involve—It was a national security—and I was not in a position to divulge it. Well, anyway, let's don't go beyond that. We're—forget—but I do think now we, uh, I mean, there is, there is a time, now, when you don't want to talk to Mitchell. He doesn't want to talk, and the rest. But John is right. There must be a, must be a four way talk here of the particular ones that we can trust here. Uh, we've got to get a decision on it. It's not something that—you see you got two ways, basically. There are really only two ways you could go. You either decide the whole God damned thing is so full of problems with potential criminal liability which is what concerns me. I don't give a damn about the publicity. We could, we could rock that through, if we had to let the whole thing hang out. It would be a lousy story for a month. But I can take it. But the point is, I don't want any criminal liability. That's the thing that I am concerned about for members of the White House staff, and I would trust for members of the Committee. And that means Magruder.

DEAN. That's right.

PRESIDENT. Let's face it: he's the one that's, uh—I think Magruder is the major guy over there.

DEAN. I think he's got the most serious problem.

PRESIDENT. Yeah.

HALDEMAN. Well, then we talked about yesterday, you've got a, you got a question where your cut off point is. There is a possibility of cutting it at Liddy, where you are now.

PRESIDENT. Yeah.

HALDEMAN. But to accomplish that requires—

PRESIDENT. Requires what?

HALDEMAN. Requires continued perjury by Magruder.

PRESIDENT. Yeah. And it requires total

DEAN. —commitment—

PRESIDENT. control, got total, got total control over all of the defendants, which—in other words [unintelligible]

DEAN. The basic position—

HALDEMAN. They don't know anything beyond Liddy.

DEAN. Uh, no. Other than the fact, other than the fact that Liddy, they have hearsay, uh—

HALDEMAN. But we don't know about Hunt. Maybe Hunt has it tied in to Colson. We don't know that, though, really.

DEAN. No.

PRESIDENT. I think Hunt knows a hell of a lot more.
DEAN. Yeah, I do too. And, now what McCord—
HALDEMAN. You think he does? I am afraid you're right, but, uh, we don't know that.
PRESIDENT. I don't think—[laughs] I think we better assume it. I think Colson—
DEAN. And he's playing hard ball, and he wouldn't play hard—
HALDEMAN. Is he?
DEAN. Yeah. He wouldn't play hard ball unless he were pretty confident that he could cause an awful lot of grief.
HALDEMAN. Really?
DEAN. Yeah.
PRESIDENT. He is playing hard boiled ball with regard to Ehrlichman, for example, and that sort of thing. He knows what he's got.
HALDEMAN. What's he planning on, money?
DEAN. Yeah, money and—
HALDEMAN. Really?
DEAN. Oh, yeah. He's uh—
PRESIDENT. It's a hundred and twenty thousand dollars. It's about what, about how much, which is easy. I mean, it's not easy to deliver, but it is easy to get. Uh, now, uh [nine second of silence] If that, if what, if that, if that is the case, if it's just that way, then the thing to do is, if, if, the thing all, uh, cracks out—if, if for, if, for example, you say look we're not, we're not going to continue to try to, let's state it frankly—cut our losses—that's just one way you could go—on the assumption that we're, we, by continuing to cut our losses, we're not going to win. That in the end, we are going to be bled to death, and it's all going to come out anyway, and then you get the worst of both worlds. We are going to lose, and people are going to—
HALDEMAN. And look [unintelligible]
PRESIDENT. And we're going to look like we covered up. So that we can't do. Now. The other, the other, uh, the other line, however, uh, if you, if you take that line, that we're not going to continue to cut our losses, that means then we have to look square in the eye as to what the hell those losses are, and see which people can—so we can avoid criminal liability. Right?
DEAN. That's right.
PRESIDENT. And that means, we got to, we've got to keep it off of you, uh, which I, which I [unintelligible] obstruction of justice thing. We've got to keep it off Ehrlichman. We've got to keep it, naturally, off of Bob, off Chapin, if possible, and Strachan. Right?
DEAN. Uh huh.
PRESIDENT. And Mitchell. Right?
DEAN. Uh huh.
PRESIDENT. Now.

HALDEMAN. And Magruder, if you can. But that's the one you pretty much have to give up.

PRESIDENT. But, but Magruder, Magruder, uh, uh, John's, Dean's point is that if Magruder goes down, he'll pull everybody with him.

HALDEMAN. That's my view.

PRESIDENT. Is it?

HALDEMAN. Yup. I think Jeb, I don't think he wants to. And I think he even would try not to, but I don't think he is able not to.

DEAN. I don't think he is strong enough, when it really—

HALDEMAN. Well, not that, not that—

PRESIDENT. Well, another way, another way to do it then, Bob, is to—and John realizes this—is to, uh, continue to try to cut our losses. Now we have to look at that course of action. First, it is going to require approximately a million dollars to take care of the jackasses that are in jail. That could be, that could be arranged.

HALDEMAN or DEAN. Yeah.

PRESIDENT. That could be arranged. But you realize that after we are gone, I mean, assuming these [unintelligible] are gone, they're going to crack, you know what I mean? And that'll be an unseemly story. Eventually, all the people aren't going to care that much.

DEAN. That's right. It's—

PRESIDENT. People aren't going to care.

DEAN. So much history will pass between then and now.

PRESIDENT. In other words, what we're talking about is no question. But the second thing is, we're not going to be able to deliver on, on any kind of a, of a clemency thing. You know Colson has gone around on this clemency thing with Hunt and the rest.

DEAN. Hunt, Hunt is now talking in terms of being out by Christmas.

HALDEMAN. This year?

DEAN. This year. Uh, he was told by O'Brien, who is my conveyor of doom back and forth,

HALDEMAN. Yeah.

DEAN. uh, that, uh, hell, he'd be lucky if he were out a year from now, after the Ervin hearings were, uh, you know, over. He said, "How in the Lord's name could you be commuted that quickly?" He said, "Well, that's my commitment from Colson."

HALDEMAN. By Christmas of this year?

DEAN. Yeah.

HALDEMAN. See that, that really, that's very believeable 'cause Colson,

PRESIDENT. Do you think Colson could have told him—

HALDEMAN. Colson is an, is an—that's, that's your fatal flaw, really, in Chuck, is he is an operator in expediency, and he will pay at the time and where he is

PRESIDENT. Yeah.

HALDEMAN. whatever he has to, to accomplish what he's there to do.

DEAN. Right.

HALDEMAN. And that's—I, I would believe that he has made that commitment if Hunt says he has. I would believe he is capable of saying that.

PRESIDENT. The only thing you could do with him would be to parole him for a period of time because of his family situation. But you couldn't provide clemency.

DEAN. No, I—Uh, Kleindienst has now got control of the parole board, and he said that now we can, we can pull paroles off now where we couldn't before. So—

PRESIDENT. Well, parole—

HALDEMAN. Yeah, but Kleindienst always tells you that, and then never delivers.

PRESIDENT. Parole, parole.

DEAN. Well, I mean—

PRESIDENT. Let's, let's talk candidly about that. Parole [unintelligible] in human terms, and so forth, is something that I think in Hunt's case, you could do Hunt, but you couldn't do the others. You understand?

DEAN. Well, so much depends upon how Sirica sentences. He can sor—, sentence, sentence in a way that, uh, makes parole even impossible.

PRESIDENT. Oh, he can?

DEAN. Sure. He can do all kinds of permanent sentences.

PRESIDENT. On this kind of thing?

DEAN. Yeah. He can be a, just a son-of-a-bitch, uh, as far as the whole thing.

HALDEMAN. Of course, can't you appeal on a, on an unjust sentence as well as on an unjust conviction?

DEAN. You've got sixty days to ask the judge to review it. There is no appellate review of sentences.

HALDEMAN. There isn't?

DEAN. Not that I—

PRESIDENT. The judge can review it, yeah.

HALDEMAN. Only the sentencing judge can review

PRESIDENT. Yeah.

HALDEMAN. his own sentence?

PRESIDENT. Coming back, though, to this. So you got that—the, uh, hanging over. Now. If, uh—you, you see, if you let it hang there, the point is you could let all or only part— The point is, your feeling is that we just can't continue to, to pay the blackmail of these guys?

DEAN. I think that's our greatest jeopardy.

HALDEMAN. Yeah.

PRESIDENT. Now, let me tell you, it's

DEAN. 'Cause that is—

PRESIDENT. no problem, we could, we could get the money. There is no problem in that. We can't provide the clemency. The money can be provided. Mitchell could provide the way to deliver it. That could be done. See what I mean?

HALDEMAN. But, Mitchell says he can't, doesn't he?
DEAN. Mitchell says that, uh—Well, Mitch—, that's, it's, you know, there has been an interesting thing, uh, phenomena all the way along on this, is that there have been a lot of people having to pull oars and not everybody pulls them all the same time, the same way, because there develop self-interests.
HALDEMAN. What John is saying is that everybody smiles at Dean and says, "Well, you better get something done about it."
DEAN. That's right.
PRESIDENT. [Unintelligible]
HALDEMAN. And Mitch—, Mitchell is leaving Dean hanging out on a — None of us, well, maybe we're doing the same thing to you.
DEAN. That's right.
HALDEMAN. But I—let me say that, that I don't see how there's any way that you can have the White House, or anybody presently in the White House, involved in trying to gin out this money.
DEAN. We are already deeply enough in that. That's the problem, Bob.
PRESIDENT. I thought you said you could handle the money?
DEAN. Well, in fact, that, uh, when—
PRESIDENT. Kalmbach?
DEAN. Well, Kalmbach, uh, was a—
HALDEMAN. He's not the one.
DEAN. No, but when they ran out of that money, as you know, they came after the three-fifty that was over here.
PRESIDENT. And they used that, right?
DEAN. And I had to explain what is was [laughs] for, uh, before I could get the money.
PRESIDENT. Well, you said—
DEAN. Now, they—now, that—they—
HALDEMAN. That was put, that was, that was—in the first place, that was put back to LaRue
DEAN. That's right.
HALDEMAN. where it belonged. It wasn't all returned in a lump sum. It was put back in pieces.
DEAN. That's right.
PRESIDENT. And then LaRue used it for this other purpose?
DEAN. That's right.
PRESIDENT. Well, I think they can get that.
HALDEMAN. And the balance was all returned to LaRue.
DEAN. That's right.
HALDEMAN. The problem is we don't have any receipt for that, do we. We have no way of proving that.
PRESIDENT. I [unintelligible]
DEAN. And I think, I think that was because, you know, of self-interest over there. Mitchell would—
HALDEMAN. Mitchell told LaRue not to take it at all.
DEAN. That's right.

HALDEMAN. This is what you told me.
DEAN. That's right. And then you don't give them a receipt.
PRESIDENT. Well, then, but what happened? LaRue took it, and then what?
DEAN. Well, it was sent back to him because we just couldn't continue piecemeal giving, you know, I ask it—Everytime I asked for it I had to tell Bob I needed some, or something like that,
PRESIDENT. Yeah.
DEAN. and he had to get Gordon Strachan to go up to his safe and take it out and take it over to LaRue.
PRESIDENT. Yeah.
DEAN. This was just a forever operation.
PRESIDENT. Then what? Why didn't they take it all to him?
DEAN. I think it's sent over with him.
HALDEMAN. Well, we had been trying to get a way to get that money back out of here anyway.
PRESIDENT. Sure.
HALDEMAN. And what this was supposed to be was loans. This was
PRESIDENT. Yeah.
HALDEMAN. immediate cash needs that was going to be re—, replenished. And Mitchell was arguing "You can't take the three-fifty back till it's all replenished." Isn't that right?
DEAN. That's right. Well, uh, you know, we—
HALDEMAN. And then they never replenished it, so we just gave it all back anyway.
PRESIDENT. I have a feeling we could handle this one. Well—
DEAN. Well, first of all, they'd have a hell of a time proving it. Uh, that's one thing. Uh—
PRESIDENT. Yeah, yeah—I just have a feeling on it. But let's now come back to the money, a million dollars, and so forth and so on. Let me say that I think you could get that in cash, and I know money is hard, but there are ways. That could be [unintelligible]. But the point is, uh, what would you do on that—Let's, let's look at the hard facts.
DEAN. I mean, that's been very interesting. That has been, thus far, the most difficult problem.
PRESIDENT. Why?
DEAN. They have been—That's why these fellows have been on or off the reservation all the way along.
PRESIDENT. So the hard place is this. Your, your feeling at the present time is the hell with the million dollars. In other words, you say to these fellows, "I am sorry, it is all off," and let them talk. Right?
DEAN. Well—
PRESIDENT. That, that's the way to do it, isn't it?
DEAN. That—
PRESIDENT. If you want to do it clean, [unintelligible]
DEAN. Then what—
PRESIDENT. come out.

HALDEMAN. See, then when you do it, it's a way you can live with. Because the problem with the blackmail, and that's the thing we kept raising with you when you said there's a money problem, when we need twenty thousand or a hundred thousand or something, was yeah, that's what you need today. But what do you need tomorrow and next year and five years from now?

PRESIDENT. How long?

DEAN. Well, that was just to get us through November seventh, though.

HALDEMAN. I recognize that's what we had to give

DEAN. Right.

HALDEMAN. to November seventh. There's no question.

DEAN. Except they could have sold—these fellows could have sold out to the Democrats for a fantastic amount.

PRESIDENT. Yeah, these fellows—But of course you know, these fellows though, as far as that plan was concerned.

HALDEMAN. But what is there?

PRESIDENT. As far as what happened up to this time, our cover there is just going to be the Cuban Committee did this for them up through the election.

DEAN. Well, yeah. We can put that together. That isn't, of course, quite the way it happened, but, uh—

PRESIDENT. I know, but it's the way it's going to have to happen.

DEAN. It's going to have to happen. [laughs]

PRESIDENT. That's right. Finally, though, so you let it go. So what happens is then they go out and, uh, and they'll start blowing the whistle on everybody else. Isn't that what it really gets down to?

DEAN. Uh huh.

PRESIDENT. So that, that would be the, the clean way. Right?

DEAN. Uh—

PRESIDENT. Is that really you're—you, you really go so far as to recommend that?

DEAN. That—No, I wouldn't. I don't think, I don't think necessarily that's the cleanest way. One of the—I think that's what we all need to discuss: is there some way that we can get our story before a grand jury, and, so that they can have, have really investigated the White House on this. I mean, and I must, I must be perfectly honest, I haven't really thought through that alternative. We've been, you know, been so busy

PRESIDENT. John,

DEAN. on the other containment situation.

PRESIDENT. John Ehrlichman, of course, has raised the point of another grand jury. I just don't know how you're going to do it. On what basis. I, I could call for it, but I—

DEAN. That would be, I would think, uh—

PRESIDENT. The President takes the leadership, and says "Now, in view of all this, uh, stripped land and so forth, I understand this, but I, I think I want another grand jury proceeding and, and we'll have the White House appear before them." Is that right John?

DEAN. Uh huh.

PRESIDENT. That's the point you see. That would make the difference. I want everybody in the White House called. And that, that gives you the, a reason not to have to go up before the [unintelligible] Committee. It puts it in a, in an executive session, in a sense.

HALDEMAN. Right.

PRESIDENT. Right.

DEAN. Uh, well—

HALDEMAN. And there'd be some rules of evidence, aren't there?

DEAN. There are rules of evidence.

PRESIDENT. Both evidence and you have lawyers.

HALDEMAN. So you are in a hell of a lot better position than you are up there.

DEAN. No, you can't have a lawyer before a grand jury.

PRESIDENT. Oh, no. That's right.

DEAN. You can't have a lawyer before a grand jury.

HALDEMAN. Okay, but you, but you, you do have rules of evidence. You can refuse to, to talk.

DEAN. You can take the Fifth Amendment.

PRESIDENT. That's right. That's right.

HALDEMAN. You can say you forgot, too, can't you?

DEAN. Sure.

PRESIDENT. That's right.

DEAN. But you can't—you're—very high risk in perjury situation.

PRESIDENT. That's right. Just be damned sure you say I don't

HALDEMAN. Yeah—

PRESIDENT. remember; I can't recall, I can't give any honest, an answer to that that I can recall. But that's it.

HALDEMAN. You have the same perjury thing on the Hill, don't you?

DEAN. That's right.

PRESIDENT. Oh hell, yes.

HALDEMAN. And, and they'll be doing things on [unintelligible]

PRESIDENT. My point is, though—

HALDEMAN. which is a hell of a lot worse to deal with.

DEAN. That's right.

PRESIDENT. The grand jury thing has its, uh, uh, uh—view of this they might, uh. Suppose we have a grand jury proceeding. Would that, would that, what would that do to the Ervin thing? Would it go right ahead anyway?

DEAN. Probably.

HALDEMAN. If you do it in executive—

PRESIDENT. But then on that score, though, we have—let me just, uh, run by that, that—You do that on a grand jury, we could then have a much better cause in terms of saying, "Look, this is a grand jury, in which, uh, the

prosecutor—" How about a special prosecutor? We could use Petersen, or use another one. You see he is probably suspect. Would you call

DEAN. No—

PRESIDENT. in another prosecutor?

DEAN. I'd like to have Petersen on our side, advising us [laughs] frankly.

PRESIDENT. Frankly. Well, Petersen is honest. Is anybody about to be question him, are they?

DEAN. No, no, but he'll get a barrage when, uh, these Watergate hearings start.

PRESIDENT. Yes, but he can go up and say that he's, he's been told to go further in the Grand Jury and go in to this and that and the other thing. Call everybody in the White House. I want them to come, I want the, uh, uh, to go to the Grand Jury.

DEAN. This may result—This may happen even without our calling for it when, uh, when these, uh—

PRESIDENT. Vesco?

DEAN. No. Well, that's one possibility. But also when these people go back before the Grand Jury here, they are going to pull all these criminal defendants back in before the Grand Jury and immunize them.

PRESIDENT. And immunize them: Why? Who? Are you going to—On what?

DEAN. Uh, the U.S. Attorney's Office will.

PRESIDENT. To do what?

DEAN. To talk about anything further they want to talk about.

PRESIDENT. Yeah. What do they gain out of it?

DEAN. Nothing.

PRESIDENT. To hell with them.

DEAN. They, they're going to stonewall it, uh, as it now stands. Except for Hunt. That's why, that's the leverage in his threat.

HALDEMAN. This is Hunt's opportunity.

DEAN. This is Hunt's opportunity.

PRESIDENT. That's why, that's why,

HALDEMAN. God, if he can lay this—

PRESIDENT. that's why your, for your immediate thing you've got no choice with Hunt but the hundred and twenty or whatever it is. Right?

DEAN. That's right.

PRESIDENT. Would you agree that that's a buy time thing, you be tter damn well get that done, but fast?

DEAN. I think he ought to be given some signal, anyway, to, to—

PRESIDENT. Yes

DEAN. Yeah—You know.

PRESIDENT. Well for Christ's sakes get it in a, in a way that, uh—Who's, who's going to talk to him? Colson? He's the one who's supposed to know him.

DEAN. Well, Colson doesn't have any money though. That's the thing. That's been our, one of the real problems.

They have, uh, been unable to raise any money. A million dollars in cash, or, or the like, has been just a very difficult problem as we've discussed before. Apparently, Mitchell has talked to Pappas, and I called him last—John asked me to call him last night after our discussion and after you'd met with John to see where that was. And I, I said, "Have you talked to, to Pappas?" He was at home, and Martha picked up the phone so it was all in code. "Did you talk to the Greek?" And he said, uh, "Yes, I have." And I said, "Is the Greek bearing gifts?" He said, "Well, I want to call you tomorrow on that."

PRESIDENT. Well, look, uh, what is it that you need on that, uh, when, uh, uh? Now look [unintelligible] I am, uh, unfamiliar with the money situation.

DEAN. Well that, you know, it, it sounds easy to do, apparently, until, uh, everyone is out there doing it and that's where our breakdown has, has come every time.

PRESIDENT. Well, if you had it, where would you, how would you get it to somebody?

DEAN. Well, I, uh, I gather LaRue just leaves it in mail boxes and things like that, and tells Hunt to go pick it up. Someone phones Hunt and tells him to pick it up. As I say, we're a bunch of amateurs in that business.

HALDEMAN. That was the thing that we thought Mitchell ought to be able to know how to find somebody who could do all that sort of thing, because none of us know how to.

DEAN. That's right. You got to wash money and all that sort, you know, if you get a hundred thousand out of a bank, and it all comes in serialized bills, and—

PRESIDENT. Oh I understand.

DEAN. And that means you have to go to Vegas with it or a bookmaker in New York City, and I've learned all these things after the fact, it's—[laughs] Great shape for the next time around.

[Laughter.]

HALDEMAN. Jesus.

PRESIDENT. Well, the main point, now, is the people who will need the money [unintelligible]. Well of course, you've got the surplus from the campaign. That we have to account for. But if there's any other money hanging around—

HALDEMAN. Well, but what about all the, what about the money we moved back out of the—here?

DEAN. Apparently, there's some there. That might be what they can use. Uh, I don't know how much is left.

PRESIDENT. Kalmbach must have some, doesn't he?

DEAN. Kalmbach doesn't have a cent.

PRESIDENT. He doesn't?

DEAN. See the new law—

HALDEMAN. No, see that three-fifty that we moved out was all we saved. Because they were afraid to, because of this—that's what I mean; that's the trouble: We are so God damned square that [laughs] we'd get caught. I mean—

PRESIDENT. Well, could I suggest that this though: uh, now, let me, let me, let me go back around—[unintelligible]. They will then, uh—

HALDEMAN. Be careful—

PRESIDENT. The, uh, the grand jury thing has a feel. Question is, uh,—It, it at least says that we are cooperating

DEAN. Well—

PRESIDENT. with the Grand Jury.

DEAN. Once we, once we start down any route that involves the criminal justice system,

PRESIDENT. Yeah.

DEAN. you, you've got to have full appreciation of there is really no control over that.

PRESIDENT. No, sir.

DEAN. Uh, while we did, uh—we had a, an amazing job of

PRESIDENT. Yeah, I know.

DEAN. keeping the thing on the track before

PRESIDENT. Straight.

DEAN. while the FBI was out there, all that—and that was, uh, only because

PRESIDENT. Right.

DEAN. I had a [unintelligible] of where they were going.

PRESIDENT. [Unintelligible]. Right. Right. But you haven't got that now because everybody else is going to have a lawyer. Let's take the new Grand Jury. Uh, the new Grand Jury would call Magruder again, wouldn't it?

DEAN. But, based on what information it would? For example, what happens if Dean goes in and gives a story, you know, that here is the way it all came about. It was supposed to be a legitimate operation and it obviously got off the track. I heard of these horribles, told Haldeman that we shouldn't be involved in it.

PRESIDENT. Yeah. Right.

DEAN. Then Magruder's going to have to be called in and questioned about all those meetings again, and the like. And it begins to—again he'll begin to change his story as to what he told the Grand Jury the last time.

PRESIDENT. Well—

DEAN. That way, he's in a perjury situation.

HALDEMAN. Except, that's the best leverage you've got on Jeb—is that he's got to keep his story straight or he's in real trouble,

DEAN. That's right.

HALDEMAN. unless they get smart and give him immunity. If they immunize Jeb, then you have an interesting problem.

PRESIDENT. He wouldn't want—

DEAN. Well, I think we have,
HALDEMAN. [Unintelligible] immunity.
DEAN. we have control, we have control over who gets immunized.
HALDEMAN. Do we?
DEAN. Yeah, I think they wouldn't do that without our—
PRESIDENT. But you see, the Grand Jury proceeding [unintelligible] sort of thing, you can go down that road and then—if—if they had—I'm just thinking of now how the President looks. We would be cooperating. We would be cooperating through a Grand Jury. Everybody would be behind us. That's the proper way to do this. It should be done through a grand jury, not up there in the kleig lights of the Committee, or—
DEAN. That's right.
PRESIDENT. Nobody's questioning if it's a grand jury, and so forth. So, and then we would insist on executive privilege before the Committee, flat out say, "No we won't do that. We're not going to do it. Matter before a grand jury," and that's that. You see—
HALDEMAN. All right, then you go to the next step. Would we then—the Grand Ju—, the Grand Jury meet in executive session?
DEAN. Yes, sir, they're
PRESIDENT. Always—
DEAN. secret sessions, they're secret.
HALDEMAN. Secret session—
PRESIDENT. Secret—
HALDEMAN. All right, then would we agree to release our statement, our Grand Jury transcripts?
DEAN. That's not, that's not for our—We don't have the authority to do that. That's up to the Court and the Court, thus far, has not released the ones from the last Grand Jury.
PRESIDENT. They usually are not.
DEAN. It would be highly unusual for a grand jury to come out. What would happen is—
HALDEMAN. But a lot of the stuff from the Grand Jury came out.
PRESIDENT. Leaks. Well—
DEAN. It came out of the U.S. Attorney's Office,
PRESIDENT. Yeah.
DEAN. more than the, the Grand Jury. We don't know. Some of the Grand Jurors may have leaked
PRESIDENT. Right, right.
DEAN. it, but they were—
PRESIDENT. Bob, it's not so bad. It's, that's just not the bad—or the worst place. But—
HALDEMAN. Well, what I was, I was going the other way there. I was going to—it might be to our interest to get it out.
PRESIDENT. Well, we, we could easily do that. Leak out certain stuff. We could pretty much control that. We've got much more control there. Now, the other possibility

is not to go to the Grand Jury. Then you've got three things. (1) You just say, "The hell with it, we can't raise the money, sorry Hunt, you can say what you want." And so Hunt blows the whistle. Right?

DEAN. Right.

PRESIDENT. All right, if that happens, then that raises some possibilities of other criminal—because he is likely to say a hell of a lot of things and he's certain to get Magruder on it.

DEAN. It'll get Magruder. It'll start the whole FBI investigation going again.

PRESIDENT. Yeah. So, uh, what else—it'll get Magruder; it could possibly get Colson. He's in that danger.

DEAN. That's right. Could get, uh—

PRESIDENT. Could get Mitchell. Maybe. No.

HALDEMAN. Hunt can't get Mitchell.

DEAN. I don't think Hunt can get Mitchell. Hunt's got a lot of hearsay.

PRESIDENT. Ehrlichman? He could on the other thing—except Ehrlichman [unintelligible]

DEAN. Krogh, Krogh could go down in smoke. Uh—

PRESIDENT. Because Krogh, uh—Where could anybody—But on the other hand, Krogh just says he, uh, uh, Krogh says this is a national security matter. Is that what he says? Yeah, he said that.

DEAN. Yeah, but that won't sell, ultimately, in a criminal situation. It may be mitigating on sentences but it won't, uh, in the main matter—

HALDEMAN. Well, then that—

PRESIDENT. That's right. Try to look around the track. We have no choice on Hunt but to try to keep him—

DEAN. Right now, we have no choice.

PRESIDENT. But, but my point is, do you ever have any choice on Hunt? That's the point.

DEAN. [Sighs]

PRESIDENT. No matter what we do here now, John,

DEAN. Well, if we—

PRESIDENT. Hunt eventually, if he isn't going to get commuted and so forth, he's going to blow the whistle.

DEAN. What I have been trying to conceive of is how we could lay out everything we know [sighs] in a way that, you know, we've told the Grand Jury or somebody else, so that if a Hunt blows,

PRESIDENT. Yeah.

DEAN. so what's new? You know, it's already been told to a grand jury, and they found no criminal liability, and they investigated it in full. We're sorry fellow—

PRESIDENT. That's right.

DEAN. Uh, We don't, it doesn't—

PRESIDENT. Including Ehrlichman's use of Hunt on the other deal?

DEAN. That's right.

PRESIDENT. You'd throw that out?

DEAN. Uh, well, Hunt will go to jail for that too—he's got to understand that.

PRESIDENT. That's the point too. I don't think that—I wouldn't throw that out. I think I would limit it to—I don't think you need to go into every God damned thing Hunt has done.

DEAN. No.

PRESIDENT. He's done some things in the national security area. Yes. True.

HALDEMAN. We've already said that. Anyway, I mean, we've laid the groundwork for that.

DEAN. Uh huh.

PRESIDENT. But here is the point, John: So you go that—Let's go to the other extreme, the other, the other angle is to decide, oh, well, if you open up the Grand Jury, first, it won't do any good; it won't be believed. And then you'll have two things going: The Grand Jury and you have the other thing. At least the Grand Jury appeals to me from the standpoint, it's the President makes the move. "Since all these charges have been bandied about, and so forth, the best thing to do is to—I have ordered, or I have asked the Grand Jury to look into any further charges. All charges have been raised." That's the place to do it, and not before a committee of the Congress. Right?

DEAN. Uh huh.

PRESIDENT. Then, however, we may say, Mitchell, et al., God, we can't risk that, I mean, uh, all sorts of shit'll break loose there. Then that leaves you to your third thing. The third thing is just to continue to—

DEAN. Hunker down and fight it.

PRESIDENT. All right. If you hunker down and fight it, fight it and what happens?

DEAN. Your—

PRESIDENT. Your view is that that is, is not really a viable option.

DEAN. It's a very—it's a high risk. A very high risk.

PRESIDENT. A high risk, because your view is that what will happen out of that is that it's going to come out. Somebody's—Hunt—something's going to break loose—

DEAN. Something is going to break and—

PRESIDENT. When it breaks it'll look like the President

DEAN. —is covering up—

PRESIDENT. is, has covered up a huge, uh, uh, this—Right?

DEAN. That's correct.

HALDEMAN. But you can't contain the charge.

PRESIDENT. That's not—

DEAN. I just don't—

PRESIDENT. You're, you're,

DEAN. I don't think it's—

PRESIDENT. You now have, uh, moved away from the hunker down.

DEAN. Well, I've moved to the point that we've certainly got to make a, a harder look at the other alternative, which we haven't before.

PRESIDENT. The other alternatives.

DEAN. The other alternatives. Right.

PRESIDENT. Three other choices, wouldn't you say? As a matter of fact, your m—, middle ground of Grand Jury. And then there's finally the other ground of—No, I suppose there's a middle ground,

DEAN. And I would—

PRESIDENT. or the middle ground of a s—, of a public statement, but without a grand jury.

DEAN. What we need also, sir—

PRESIDENT. And also—

HALDEMAN. But John's view is if we make the public statement

PRESIDENT. Yeah.

HALDEMAN. that we talked—I raised that this morning, the, the thing we talked about last night.

PRESIDENT. Yeah.

HALDEMAN. If each of us

PRESIDENT. Yeah.

HALDEMAN. make moves,

PRESIDENT. Yeah.

HALDEMAN. he says that will immediately lead to a grand jury.

PRESIDENT. Fine—all right, fine.

HALDEMAN. As soon as we make that statement, they'll have to call a grand jury.

PRESIDENT. Then maybe we make the public statement before the Grand Jury, in order to—

HALDEMAN. So it looks like we are trying to do it over.

DEAN. All right, say, all right, say here are public statements, and we want, we want, uh,

PRESIDENT. Yeah.

DEAN. full Grand Jury investigation

PRESIDENT. Yeah.

DEAN. by the U.S. Attorney's Office.

PRESIDENT. Curious to see whether this statement's, then, that's right. That I, but—And that we've said that the reason that we had delayed this is until after the sentencing. You see, the point is, the reason that time is of the essence, we can't play around with this, is that they're going to sentence on Friday. We're going to have to move the God damned thing pretty fast. See what I mean?

DEAN. That's right.

PRESIDENT. So we've got to act, we really haven't time to [unintelligible]

DEAN. The other, the other thing is that the Attorney General could call Sirica, and say that, "The government has some major developments that it's considering. Would you hold sentencing for two weeks?" If we set ourself on a course of action.

PRESIDENT. Yep, yep.

DEAN. Say, that "The sentencing may be in the wrong perspective right now. I don't know for certain, but I just think there are some things that, uh, I am not at liberty to discuss with you, that I want to ask that the, the Court withhold two weeks sentencing."

HALDEMAN. So then the story is out: "Sirica Delays Sentencing Watergate For—"

DEAN. I think, I think that could be handled in a way between Sirica and Kleindienst that it would not get out.

PRESIDENT. No.

DEAN. Sirica tells me, I mean Kleindienst apparently does have good rapport with Sirica. He's never talked to him since this case has developed,

HALDEMAN or PRESIDENT. Why not?

DEAN. but, uh—

PRESIDENT. That's helpful. Kleindienst could say that he's, uh, he's working on something and would like, like, like to have a week. I wouldn't take two weeks. I would take a week.

DEAN. I'll tell you the person that I would, you know, I feel that, uh, we, we could use his counsel on this, because he understands the criminal process better than anybody over here does,

PRESIDENT. Petersen?

DEAN. is Petersen. It, it's awkward for Petersen. He's the head of the Criminal Division. But to discuss some of these things with him, we may well want to remove him from the head of the Criminal Division and say, that, uh, "Rela—, related to this case, you will have no relation." Uh, and give him on some special assignment over here where he can sit down and say, "Yes, this is an, this is an obstruction, but it couldn't be proved," or so on and so forth. We almost need him out of there to take his counsel. That would, uh, I, I don't think he'd want that, but, uh, he is the most knowledgeable—

PRESIDENT. How could you get him out?

DEAN. I think an appeal directly to Henry, uh, that, uh—

PRESIDENT. Why doesn't the President—could, could the President call him in as Special Counsel to the White—to the, to the White House for the purpose of conducting an investigation, represent—uh, you see, in other words—rather than having Dean in on it,

DEAN. I have thought of that. I have thought of that.

PRESIDENT. have him as Special Counsel to represent to the Grand Jury and the rest.

DEAN. That is one possibility.

PRESIDENT. Yeah.

HALDEMAN. On the basis that Dean has now become a principal, rather

PRESIDENT. That's right.
HALDEMAN. than a Special Counsel.
DEAN. Uh huh.
PRESIDENT. That's right.
DEAN. Uh huh.
PRESIDENT. And that he's a—
DEAN. And I, and I could recommend that to you.
PRESIDENT. He could recommend it, you could recommend it, and Petersen would come over and be the, uh—And I'd say, "Now—"
HALDEMAN. Petersen's planning to leave, anyway.
PRESIDENT. And I'd say, "Now,"
DEAN. Is he?
PRESIDENT. "I want you to get—we want you to (1)—" We'd say to Petersen, "We want you to get to the bottom of the God damned thing. Call another Grand Jury or anything else." Correct? Well, now you've got to follow up to see whether Kleindienst can get Sirica to put off—Right? If that is, if we—Second, you've got to get Mitchell down here. And you and Ehrlichman and Mitchell and let's—and—by tomorrow.
HALDEMAN. Why don't we do that tonight?
PRESIDENT. I don't think you can get him that soon, can you?
HALDEMAN. John?
PRESIDENT. It would be helpful if you could.
DEAN. I think it would be.
PRESIDENT. You need—
DEAN. Get him to come down this afternoon.
PRESIDENT. It would be very helpful to, to get it going. And, uh, uh, you know, and, uh, and then, uh—Actually, uh, I'm perfectly willing to meet with the group, or I don't know whether—
HALDEMAN. Do you think you want to?
PRESIDENT. Maybe have Dean report to me at the end, as to what are, as to what conclusions, et cetera, what you want to do. I think I should stay away from the Mitchell side of it at this point.
DEAN. Uh huh.
PRESIDENT. Do you agree?
DEAN. Uh huh.
PRESIDENT. And, uh—
DEAN. And I think, unless we see, you know, some sort of a reluctant dragon there—
HALDEMAN. You might try to meet with the rest of us, I, I'm, I'm not sure you'd want to meet with John in a group of us. Okay, let me see if I can get it done.
PRESIDENT. All right. Fine. And, uh, my point is that, uh, we can, uh, you may well come—I think it is good, frankly, to consider these various options. And then, once you, once you decide on the plan—John—and you had the right plan, let me say, I have no doubts about the right plan before the election. And you handled it just right. You contained it. Now after the

election we've got to have another plan, because we can't have, for four years, we can't have this thing—you're going to be eaten away. We can't do it.

DEAN. Well, there's been a change in the mood—

HALDEMAN. John's point is exactly right, that the erosion here now is going to you, and that is the thing that we've got to turn off, at whatever the cost. We've got to figure out where to turn it off at the lowest cost we can, but at whatever cost it takes.

DEAN. That's what, that's what we have to do.

PRESIDENT. Well, the erosion is inevitably going to come here, apart from anything, you know, people saying that, uh, well, the Watergate isn't a major concern. It isn't. But it would, but it will be. It's bound to be.

DEAN. We cannot let you be tarnished by that situation.

PRESIDENT. Well, I [unintelligible] also because I—Although Ron Ziegler has to go out—They blame the [unintelligible] the White House [unintelligible]

DEAN. That's right.

PRESIDENT. We don't, uh, uh, I say that the White House can't do it. Right?

HALDEMAN. Yeah.

DEAN. Yes, sir.

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A RECORDING OF A MEETING AMONG THE PRESIDENT, JOHN DEAN, JOHN EHRLICHMAN, AND H. R. HALDEMAN ON MARCH 21, 1973, FROM 5:20 TO 6:01 P.M.

PRESIDENT. [Unintelligible] to this morning.

EHRLICHMAN. Well, you go round and round and you come up with all questions and no answers. Backed up where you were at when you started.

PRESIDENT. That's where we were this morning. Well, uh, anything additional to rush here?

EHRLICHMAN. Well, I, I just don't think that the immunity thing will wash.

PRESIDENT. And the Grand Jury.

EHRLICHMAN. It may, if you come to—

HALDEMAN. Well, the immunity [unintelligible] problems.

EHRLICHMAN. Well under this procedure of John's, uh, John's grand jury package was, uh, was, uh, uh, to give immunity, you know to various witnesses who go before the Grand Jury. I, I think we have to figure that that is out of the picture. I just don't think that it, that it can be carried off.

HALDEMAN. Well, either the Grand Jury or you can try by setting up a special panel, 'cause you—

DEAN. The special panel could investigate and report back on the whole thing. Have them [unintelligible] immunize witnesses so that all the information can be obtained, and, uh—

PRESIDENT. Maybe the appointment of a Presidential panel?

DEAN. I would think it would be too—well that would take special legislation to get immunity powers, whereas

PRESIDENT. Yeah.

DEAN. the Department of Justice right now possesses the, the ability to grant immunity.

PRESIDENT. Well, let's take the Grand Jury without immunity, what about that?

DEAN. Well—

PRESIDENT. That was your idea of getting out of it.

EHRLICHMAN. Yeah. Well, I think that, uh, uh, is still a possibility. It leads to some very drastic results. Counsel over here reads the statutes, and, uh, there are awful opportunities for indictment, and, uh—So, uh,

DEAN. Yeah.

EHRLICHMAN. you end up with people in and out of the White House indicted for various, for various offenses. [Unintelligible] overlaid.

HALDEMAN. [Unintelligible] still plenty of these guys [unintelligible]

EHRLICHMAN. That's right. Now the other, now the other route—

PRESIDENT. That is, if we're not, not mentioning that, uh—

EHRLICHMAN. I wouldn't, uh, I wouldn't spend too much time with that. I, I give up there. Uh, the other route would be two papers, or possibly three, and these papers would say, "Mr. President, you asked me about this thing. Here's my, here's my review of the facts." And, uh, I think we disagree as to whether or not that's a viable option or not. I, I think you could get out a fairly credible document that would stand up, and that will have the effect of trimming the scope, and would have the effect of maybe becoming the battleground on a reduced scope, which I think is important. But, uh, the big danger in the Ervin hearings, as I see it, is that they will, they will run out, uh, leads into areas that, that it would be better not to have to get into. But, uh, if, uh, Baker, you know, under his direction—Uh, and if you could put out a basic document that would, uh, define a limited set of issues, uh, even if you, you don't try to concentrate on target, you just might have something, some—but obviously, you haven't any way of imposing a lot of s—

PRESIDENT. But, does, uh, does anybody, uh, really think, really think that really we should do nothing? That's the other, I mean, that's, that's the option, period. If, uh—keep fighting it out on this ground if it takes all summer.

HALDEMAN. Which it will.

PRESIDENT. That's the other thing, whether we're going to, say, to contain the thing.

EHRLICHMAN. Well, we've talked about that. We talked about, uh, possible opportunities in the Senate, that, that may turn up that we don't foresee now. In other words, that you go in and start playing for the odds. Keep trying to put out fires here and there. The problem of the Hunt thing and, and, uh, possibly McCord and some of these other people breaking is there's no, uh, there is, there's no, uh, sign off on that ever. It just goes on and on and on.

PRESIDENT. That's right. Well if that's the case then, uh, what is your view as to what we should do now about Hunt, and so forth?

EHRLICHMAN. Well, my, my view is that, that, uh, Hunt's interests lie in getting a pardon if he can. That ought to be, somehow or another, one of the options that he is most particularly concerned about. Uh, his, his indirect contacts with John don't contemplate that at all. Well, maybe they, maybe they contemplate it—but they say there's going [unintelligible]

PRESIDENT. I know.

HALDEMAN. That's right.

EHRLICHMAN. They think that that's already understood.

PRESIDENT. Yeah.

EHRLICHMAN. Uh—

PRESIDENT. I mean he's got to get that by Christmas time.

DEAN. That's right. But, uh—

EHRLICHMAN. And if he doesn't, obviously, uh, he's got to figure it gets crosswise.

PRESIDENT. If that blows.

EHRLICHMAN. If that blows and, and that's, it seems to me, that the, uh—although at lea—It obviously is understood, that he has really gone over the ground with his attorney that's in there.

PRESIDENT. However, can he, by talking, uh, get pardoned? Get, get clemency from the court?

DEAN. That's one of the options he's obviously looking at now. He comes in and tells this judge before sentencing, "Your Honor"—and the judge is likely to call him in before sentencing—and says, "Your Honor, I am willing to tell all. Uh, I don't want to go to jail. I have pleaded guilty to an offense. I'll take that plea. I don't want to go to jail. I'll cooperate with you and the government in any way possible. I'll tell you everything I know." I think the judge probably, uh, uh, would look upon that very favorably; it would pay somebody to tell him.

EHRLICHMAN. Yeah.

PRESIDENT. So then now—so the point we have to, the bridge you have to cut, uh, cross there is, uh, which you've got to cross, I understand, quite soon, is whether, uh, we, uh, what you do about, uh, his present demand. Now, what, what, uh, what [unintelligible] about that?

DEAN. Well, apparently Mitchell and, and, uh, uh,

UNIDENTIFIED. LaRue.

DEAN. LaRue are now aware of it, so they know what he is feeling.

PRESIDENT. True. [Unintelligible] do something.

DEAN. I. I have, I have not talked with either. I think they are in a position to do something, though.

PRESIDENT. It's a long road, isn't it? I mean, the way you look back on that, as John has pointed out here is that that's a, that's a, that's a long road.

DEAN. It sure is.

PRESIDENT. For all of us, for all of us. I mean, what the hell you going to do? That's why you're, that's why you, you're sort of wrestling with the idea of moving in another direction.

DEAN. That's right. Uh, 'cause it's not only that group, but within this circle of people who have tidbits of knowledge, there are a lot of weak individuals and any one of those could cause it to blow: the secretary to Gordon Liddy, uh,

PRESIDENT. Sloan.

DEAN. the secretary to, uh, to Jeb Magruder.

PRESIDENT. Sloan.

DEAN. Chuck Colson's secretary, [unintelligible] before the Senate Committee. And it's not, it's not only one forum. There's the civil suit filed by O'Brien which, uh, for some reason we can't get settled. They are holding on to it. They are going to have rather intense civil discovery. They may well work hand in glove with that Senate Committee. They're going to go out and take depositions and start leaking things and there'll be inconsistencies. Leak what's in the transcript of one and see who breaks out in the other. There are all kinds of things they've got going right now that, uh, would mean, uh, [unintelligible] hold this thing together. And the other thing I must say I've noticed is there is a, there's an attitude that has grown amongst all the people that have been involved in this thing to protect their own behinds. And they're going to start going and hiring counsel.

HALDEMAN. Yeah. They've started to do that.

DEAN. Oh yeah. Uh, Dwight, for example, now wants a lawyer; uh, uh, Kalmbach has hired himself a lawyer; Colson has retained a lawyer; and now that we've [unintelligible] enough to know that self-protection is setting in.

PRESIDENT. Well, let's not trust them.

DEAN. Surely.

PRESIDENT. Maybe we face the situation, but we can't do a damned thing about the participants who are going to get it eventually, [unintelligible] why not now?

DEAN. Well, that—

PRESIDENT. That's, that's what you're sort of resigned to do.

DEAN. Well, my thought is that if it's going to come it should come in a way that would not harm you and, uh, the individuals bear part of it.

PRESIDENT. Well, we don't want to harm the people either. That's my concern. Well—survives them. Well, we can't, we can't harm the, uh, these young people I mean I'm damned concerned about all these people that were all working in

DEAN. For my part—

PRESIDENT. whatever they considered to be the best interests of the country, and so forth. I've never, I haven't any question as to—

HALDEMAN. That's right, we don't have any question here of some guy stashing money in his pocket.

[SEVERAL VOICES.] [Unintelligible]

PRESIDENT. [Unintelligible] it isn't somthing, it isn't it isn't something like Hiss, for example, God damned treason. Something [unintelligible]

HALDEMAN. Or like Sherman Adams, doing it for his own comfort, or uh, Albert Fall, doing it for his own enrichment.

PRESIDENT. Yeah. That's right. That's the point. That's why I say I'm, I'm going to take a lot of the heat. [Coughs] Well, we have to realize that, uh, the attrition is going to be rather considerable. That, that's your point, isn't it?

DEAN. I think it, it's hard to prevent. Now, that's why I raise the point of, of this immunity concept again. That would take a lot of heat. Obviously, the immunity might—But it also [unintelligible] you find cannot be structured, that you're con—, you're concerned about, there's something lurking here that has been brought to your attention of recent. Uh, now is the time to get the facts. People have been protecting themselves. Dean couldn't get all the information. People wouldn't give it to him. Uh, there are indications now that there are other things, and you'd like to get all this information and lay it before the public, but it's not going to come out if people are going to go take the Fifth Amendment before a grand jury. It'll never be proved. I—

PRESIDENT. And it isn't going to come out of a committee.

DEAN. It's not going to come out of a committee, either. Uh, for those reasons—

PRESIDENT. Not in a fair way, that's the point.

DEAN. True. That's right. Now—Or it may never come out. They may—They will probably never get it out either, regardless of how clever they are. But now's the time to pull it up, all out [unintelligible]

EHRLICHMAN. Plus, they're not going to have the key witnesses.

DEAN. That's right.

UNIDENTIFIED. That's right.

DEAN. So therefore, you select a panel of, say the Deputy Attorney General, the head of the Criminal Division, the head of the Civil Division, something like that. You call over everybody in the White House, and tell them that we want, "I have been instructed by the President, we're to put together exactly what happened. You won't be prosecuted for it because, uh, that's not the point now. The point is to get out all this information." And then you will make a decision, based on what you learn, whether people can remain in the government or not. And if it's bad, uh, they'll be removed, they'll be forced to resign. If it's something that, uh, is palatable, they'll go on with their job.

HALDEMAN. The hue and cry would be that "This is, this is a super cover-up. Before they were just trying to cover up the the information. Now they realize they've got guilty people, so they, they've immunized them so that they can't be prosecuted."

DEAN. I'm not just sure how many people would come out guilty.

EHRLICHMAN. Yeah, well [unintelligible]. The perception is the important thing.

PRESIDENT. Yeah, but the point is, were we talking—

DEAN. All right, is that, is that better? Or is it better to have, you know, just, just keep going and have the thing build up and all of a sudden collapse? And, and people get indicted, and people, uh, get tarnished.

PRESIDENT. After we've stonewalled it?

DEAN. After we've stonewalled it, and after the President's been accused of covering up that way.

PRESIDENT. That's the point.

EHRLICHMAN. Or is there another way?

PRESIDENT. Yeah, like—?

EHRLICHMAN. Like the, the Dean statements, where the President then makes a full disclosure of everything which he then has. And is in a position if it does collapse at a later time to say, "Jesus, I had the FBI, and the Grand Jury, and I had my own counsel. I turned over every rock I could find. And I rested my confidence in these people in good faith and it's obvious now—"

PRESIDENT. The middle ground taken would be—I mean, I've been around, we've been around on that one quite a bit, the middle ground would be that, uh, I mean, uh, naturally you, you having to live through it, have to be a bit sensitive about the way we're going to, we're—but I— That doesn't concern me. I mean it doesn't concern me, and I don't—I think as far as the public is concerned, it won't do much. Uh, if you as the White House Counsel, John, uh, on direction—uh, I ask for a, a written report, which I think, uh, that—which is very general, understand. Understand, [laughs] I don't want to get all that God damned specific. I'm thinking now in far more general terms, having in mind the fact that the problem with a specific report is that, uh, this proves this one and that one that one, and you just prove something that you didn't do at all. But if you make it rather general in terms of my—your investigation indicates that this man did not do it, this man did not do it, this man did do that. You are going to have to say that, John, you know, like the, uh, Segretti-Chapin—

DEAN. Um huh.

PRESIDENT. That has to be said. And, uh, and, so forth. And that under the circumstances, that, uh, grinds the man.

EHRLICHMAN. Could he do this? To give some weight to that, could you attach as an appendix a list of the FBI reports to which you had access: interview with Kalmbach, interview with Segretti, interview with Chapin, and Magruder, and whoever, Dean, the whole business. So that the President at some later time is in a position to say, "I relied."

DEAN. Not on Dean alone but on corroborated evidence [unintelligible]

EHRLICHMAN. That's right. It also helps with the Gray situation because it shows the use made of the FBI reports by you. He's reporting to the President. He can say in there, "I have not disclosed the contents of these to anybody else."

PRESIDENT. "Yes, I was, had access to reports for the purpose of carrying out your instructions to find out whether—" Because that is true. I've had—You're the man I have asked "Well, now, who the hell has been involved here." You reported it before, found that there was no reflection on anybody [unintelligible] at this point. Uh, but, uh—

UNIDENTIFIED. [Unintelligible]

EHRLICHMAN. I think that the President's in a stronger position later, and the Presidency is in a stronger position later if he can be shown to have justifiably relied on you at this point in time.

DEAN. Well, there's the argument now that Dean's credibility is in question, uh, as a result of the Gray hearings. Maybe I shouldn't do it. Maybe someone who has—

EHRLICHMAN. This will rehabilitate you, though. Your credibility—

PRESIDENT. No, as a matter of fact, John, I don't think your credibility is in much jeopardy. Sure, you're under attack, but they want you up there to testify. I don't think it's the credibility. They want you to testify. I, uh, I would not be too sensitive about that. I think that you would, you'd make a hell of a good impression, really.

EHRLICHMAN. Beyond that, you can, you can help your, your participation in the interviews by saying, uh, that, in addition to having seen the, uh, FBI synopses, you were present at the time of the interview of a number

DEAN. That's right.

EHRLICHMAN. of these witnesses, and

PRESIDENT. That's right.

EHRLICHMAN. you yourself conducted interviews of others—

PRESIDENT. "I conducted interviews of the following people. I didn't, didn't, didn't," uh—I'm just trying to think about it, Huh?

HALDEMAN. Turn all that into a puzzle.

EHRLICHMAN. Absolutely.

PRESIDENT. Yeah.
EHRLICHMAN. You were doing this in furtherance
PRESIDENT. Right.
EHRLICHMAN. of your role—
PRESIDENT. That's right. And also, that you, that there's been such a, a lot of crap put out about, uh, what you have done that, uh, without referring to the fact, without being a bit defensive about it, uh, that, you know, that you, you intended to do the letter. The letter—which would not be a letter to Eastland. I think that at this point it would be a letter from Dean to me. And you'd say that, "Now that the,"—and you would base it on the fact, "Now that the hearings, now that the Watergate is, is done, I can now give a report about any progress of—"
EHRLICHMAN. Well, that's what you should say. In other words, he gives the report because you asked him for it, regardless of the timeliness.
DEAN. Yeah, the only problem with that
PRESIDENT. Yeah.
DEAN. is that if Hunt and—not Hunt but, excuse me, Liddy and McCord are still out on appeal, they may not be sentenced on Friday—
PRESIDENT. Yeah.
DEAN. —they still haven't come out the way—
EHRLICHMAN. Yeah. Well, all right. Then I would not get into that. I think you could say that, you could say,
PRESIDENT. Yeah.
EHRLICHMAN. uh, "I have a report. I don't mind showing it to Ervin. I wouldn't want it published because some fellow's trial—The case is still around."
PRESIDENT. Right. Well, let me say, the problem with that is, uh, I don't believe that helps on our cause. In light of the fact that—well, uh, let me just—I am not sure, maybe I am wrong—the fact that the President says, "I've shown Ervin the report." We've got to remember that we have, we have nobody there. I think something has to [unintelligible] where,
EHRLICHMAN. Fine. [Unintelligible]
PRESIDENT. where we can put out something to the public.
HALDEMAN. If you're worried about the timeliness, and trying to hang it to the—on the sentencing, we don't really have to do that. We're going to say we just ignore the trial,
PRESIDENT. Yeah.
HALDEMAN. and say you have been—and we've been, the, this—we want it established anyway. Dean has given you a report. We, we basically said it's an oral report. You can put the thing that Dean has kept you posted from time to time with periodic oral reports as, uh, on this thing, as, as it, uh, uh, it becomes available
DEAN. Right.
HALDEMAN. and so forth. You have asked him
PRESIDENT. Yeah.

HALDEMAN. now, uh, to summarize those,
PRESIDENT. Yeah.
HALDEMAN. uh, into, uh,
PRESIDENT. Yeah.
HALDEMAN. an overall summary.
PRESIDENT. Overall summary, and I am making the report available to the Ervin Committee. Very public.
[SEVERAL VOICES.] [Unintelligible]
PRESIDENT. And, and, and I again offer the Ervin Committee, I offer the Ervin Committee, uh, I'd say, "Dear Senator Ervin," I'd say, "Here, here is the report, it is before your hearings. I want you to have it, complete access, and, as I have said previously, that any, any questions that are not answered here, any member of the White House staff, they will be directed to answer any, uh.
HALDEMAN. —informal—
PRESIDENT. Yeah.
HALDEMAN. Good.
PRESIDENT. on that basis." Well, we've run that by before, John.
EHRLICHMAN. Well, we've said it's formal and informal
PRESIDENT. Yeah.
EHRLICHMAN. in the statement and that's, uh,
PRESIDENT. Yeah.
EHRLICHMAN. [unintelligible]
PRESIDENT. Yeah.
EHRLICHMAN. But let's suppose you did the damn—I mean, you did it as to the burglary, and you did it as to—
PRESIDENT. Segretti.
EHRLICHMAN. and you make some passing reference to money, correct? And then you send her up there. Uh, then let's suppose Hunt blows at some time. Our position on that is that, uh, "Hunt was an investigator. He was sent out to do an investigation on Ellsberg. Uh, when we discovered what he was up to, we stopped him." [Coughs] Now, I suppose that lets Ellsberg out, that's an illegal search and seizure that may be sufficient at least for a mistrial, of not for a—
PRESIDENT. Isn't it damn near through yet?
EHRLICHMAN. Pardon?
PRESIDENT. Isn't that case about finished?
EHRLICHMAN. Oh, it'll go on a while yet. Uh—
HALDEMAN. Can he get a mistrial after a conviction?
EHRLICHMAN. Yeah, sure. Uh, well, let's, let's suppose that occurred. Uh, that was a national security situation. Uh, Hunt exercised bad judgment, and I think it's arguable that he should never have been permitted to go to the Committee after that episode, having, having, uh, reflected on his judgment that way. But, uh, beyond that, the question is, did we, did we authorize it, did we condone it,
PRESIDENT. Yeah.
EHRLICHMAN. did we
PRESIDENT. Yeah.

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EHRLICHMAN. support it? And that kind of thing.
PRESIDENT. And that's that part of it. Getting back to the, uh, getting back to this, John, uh, you still sort of tilt to the panel idea yourself?
DEAN. Well, I'm still, I see in, in this conversation the things that we've, you know, thought of before, we've talked about before. But they do not ultimately solve what I see as the grave problem of a cancer growing around the Presidency, and that the cancer is going to continue to grow. This is just another thing that gives a problem. It does not clean the problem out.
EHRLICHMAN. Well, but doesn't it give, doesn't it permit the President to clean it out at such time as it does come up? By saying, "Indeed, I relied on it. And now this, this later thing turns up, and I don't condone that. And if I'd known about that before, obviously, I wouldn't have done it. And I'm going to move on it now."
PRESIDENT. Your point, John, is the, the—You really think you've got to clean the cancer out now, right?
DEAN. Yes, sir.
PRESIDENT. And, uh, how would you do that? You come back again for another round. You see no other, you see no other way that, uh, you, you, you—without the, without setting a, without breaking down on executive privilege, of course.
DEAN. I see that, yeah, yeah, there are a couple of ways to do it.
PRESIDENT. You certainly don't want to do it at the Senate, though, do you?
DEAN. No, sir.
PRESIDENT. All right.
DEAN. I think that would be an added trap.
PRESIDENT. That's the, that's the worst thing. All right.
DEAN. Uh—
PRESIDENT. We've got to do it.
DEAN. We've got to do it. You have to do it, to get the credit for it. Uh, that, that gets you above it. Uh, as I see it, that means people getting hurt, and I hope we can find the answer to that problem.
EHRLICHMAN. All right, suppose we did this? Supposing you rendered a report to the President on everything you know about this. And the President then fires some people. Step one. Step two, sends the report over to the Justice Department, then says, "I've been diligently at work on this. My Counsel's been diligently at work. Here are his findings."
PRESIDENT. Where would you stop it? With, uh, Magruder over in Commerce?
EHRLICHMAN. Christ, I don't know where it stops. You know, uh—
UNIDENTIFIED. [Unintelligible] Ziegler?
EHRLICHMAN. Christ, that's—
HALDEMAN. It's probably going to be with Magruder
PRESIDENT. No.

HALDEMAN. [unintelligible] send it over to Justice
EHRLICHMAN. Well, if you send the report over, it just says Magruder did this and this.
PRESIDENT. Well, yeah, but—
EHRLICHMAN. Well, that's what he's, that's what he is talking about.
DEAN. That's right.
PRESIDENT. And then Magruder, though, is a, is a fellow that's a—
EHRLICHMAN. a free agent, at this point.
PRESIDENT. is a free agent, according to John, who'd say, uh—he'd pull others down with him.
EHRLICHMAN. Sure.
DEAN. Well, now, what you, what you do—
HALDEMAN. You don't know that he would, but you sure as hell have got to assume he would.
EHRLICHMAN. Why, of course.
DEAN. I think what you could do is you could drop numbers, with names on them, in a hat, you can draw them out to see who gets hurt and who doesn't. [Laughs] Well, that's about as fair as you could be.
EHRLICHMAN. The minute you—
PRESIDENT. Strachan. Do the same to him with it.
DEAN. Strachan?
PRESIDENT. Maybe. Not so much.
UNIDENTIFIED. Maybe Jeb.
DEAN. [Unintelligible] I think he has a problem.
PRESIDENT. Uh, the problem of knowledge of it.
HALDEMAN. He has a problem of knowledge. Magruder has a problem of action.
PRESIDENT. Action and perjury.
EHRLICHMAN. Well, Strachan found the money. That's the problem.
DEAN. No.
HALDEMAN. Not really.
DEAN. The thing that we'd like, you know, to happen, if possible, to do this, is—Hunt has now sent a blackmail request directly to the White House.
PRESIDENT. Who did he send it to? You?
DEAN. Yeah.
PRESIDENT. Or to me?
DEAN. To your counsel.
PRESIDENT. Uh huh.
HALDEMAN. That's the interesting kind of thing, there's something there that maybe we blow it all up that way, and there go all the—and everything starts going in a whole new direction.
DEAN. That would hurt but he's, he's committing an offense. Right there. That is blackmail.
HALDEMAN. Yeah, John, but where does that take you? That takes you to your support of other people who are not fully aware of the [unintelligible] anyway.
DEAN. That's right.
HALDEMAN. But we didn't know about that.
UNIDENTIFIED. That's a fact. We're above that.
DEAN. But, then, again, you have to get the problem of people, what they're going to say—[whistles].

EHRLICHMAN. Well, if you go your route, you can't draw the line someplace—

DEAN. No, no.

EHRLICHMAN. You can't then say, you know, we're going to, we're going to reserve that, we've got to let it all—

PRESIDENT. You see, if you go your route of the ca—, of getting, cutting, cutting the cancer out, the question is would you cut it out now is, uh, is, is, is, uh—Take a Hunt.

DEAN. Well—

PRESIDENT. You [unintelligible]—knock the hell out of him, don't you?

DEAN. That's right.

HALDEMAN. Well, if you take your route and it goes slightly [unintelligible] you have a certainty, almost, of Magruder going to jail, Chaplin going to jail, you going to jail,

PRESIDENT. No.

HALDEMAN. probably me going to jail.

PRESIDENT. Uh, again, I question the last two.

HALDEMAN. Certainly Chapin. Certainly Strachan. No, not really.

DEAN. Not necessarily, uh—.

UNIDENTIFIED. Not Chapin.

HALDEMAN. Chapin and Strachan are clean. Well, so is Strachan.

EHRLICHMAN. I think Strachan is hooked on, on this money.

PRESIDENT. What money was that?

EHRLICHMAN. He is an accessory in a, in a undeclared campaign fund.

HALDEMAN. That's no—That, that's—The only guy responsible for that is the treasurer.

EHRLICHMAN. I know.

HALDEMAN. Sure.

EHRLICHMAN. But not under the law.

PRESIDENT. Well that was un—, undeclared for awhile, I think it was '70, '68.

EHRLICHMAN. Yeah. But then it got back into the coffers and, uh, was used in this campaign.

DEAN. Let's say, let's say the President sent me to the Grand Jury to make a report. Who would be, who would, who could I actually do anything to, or cause any problems for? As a practical matter, first-hand knowledge, uh, almost no one. All I could do is to give them a focus plus leads.

PRESIDENT. Right. Right.

HALDEMAN. Then they start following the leads.

DEAN. That's right, and where they ultimately come down or—Well, there, there again, is, is, is the—We don't have anybody to talk to somebody who understands the process [unintelligible] I was talking outside with Bob about Henry Petersen. Uh, we just have to have somebody talk to somebody that, that, can really break in and can say, "Henry, what does this mean in the criminal justice system? What kind of a case could be made on this? Uh, what kind of offenses

would evolve out of that?" [Unintelligible] got a pretty good idea of most of the statutes that are involved, but there, uh, there is so much behind the statutes.

PRESIDENT. Do you want to bring him in? Talk to him? Well, if you do that, you will suit the Attorney General.

DEAN. Well, you're putting in, you're putting in his knowledge—

PRESIDENT. I see.

DEAN. Uh, we'll have to play with that.

HALDEMAN. If you do it hypothetically—

DEAN. Right.

HALDEMAN. You've got, you've got this brother-in-law who has this problem in school. [Laughs]

PRESIDENT. Yeah.

DEAN. He told this wild scenario that I'd like you—

PRESIDENT. Yeah.

HALDEMAN. [Unintelligible]. My friend is writing a play, and unless he, uh—

DEAN. Uh, but, it bothers me to do anything further now, in the situation, when Hunt's our real hang-up.

PRESIDENT. Well, now, do you think a statement prompts him?

DEAN. Yes, sir, I do. It doesn't solve it. It's just one more step.

HALDEMAN. The payment to Hunt does too.

PRESIDENT. The payment to Hunt does, yeah.

DEAN. Maybe that's what—That's why I say, you know, somebody to assess the criminal liability. Maybe we are mis-assessing it.

EHRLICHMAN. Well, I really don't know, will Peterson—? Would you confide in him?

HALDEMAN. I think I would.

EHRLICHMAN. How else? You could start down that road. You could say, "Henry, I want to, I want to talk to you about, uh, questions that arise in the course of my investigation, but I have to swear you to secrecy." If he'll take it on that basis.

DEAN. There's the answer, of course, "The President has told me never to say—I, uh, I want to know if you can talk to me off the record." [Unintelligible]

EHRLICHMAN. You immediately eliminate one of your options. You can, well, you can eliminate the option of the President being able to take the position he knew nothing about it.

PRESIDENT. Uh, so you, uh, you see then that, uh, you don't see the, uh, you don't see the statement thing, uh, uh, helping insofar as the, the—be of any way—the, uh—helping insofar as—'cause if—you, you must—you think that over some more.

DEAN. Yes, sir. The idea is the temporary answer.

PRESIDENT. I agree with that. But the point is to, uh, but you see, here's the, the way I would see the statement that we could say we get out: Our—Everything we would

intend to say or, or we could get out a general statement as I have already indicated, would get out a, with regard to the fact that we spent looking into the God damn thing, it's really—I mean, I've said it, we, we just can't, you, you know, withdraw, so let's forget a withdrawal at this point. Well, and secondly, again, the offer for White House people to cooperate so that we're not covering up, okay. And that still leaves it, however, in the hands of the Committee. I agree. A statement, at least, would, it's true, temporary, but it, uh, would indicate the President has looked into the matter, has had his counsel report to him and this is the result of that, uh, now let the Committee do their damnedest. We will cooperate. And the Committee will say, "No." And so we'll just stand right there.

DEAN. Well, what will really [sighs], I think what will, will prompt a new problem will be Sirica giving a speech from the bench on Friday when he sentences.

PRESIDENT. Yeah.

DEAN. I think he will charge that he cannot believe the trial was conducted by the government presenting a limited case. That he is not convinced the case represents the full situation.

HALDEMAN. In other words, uh—

DEAN. I know if that's the case it'll have a dramatic impact on the day of

PRESIDENT. Yeah.

DEAN. sentencing with Sirica from the bench,

PRESIDENT. That's right.

DEAN. because he'll charge that there are higher-ups involved in this. He may take some dramatic action like, uh, you know, appoint a special prosecutor. Who knows?

PRESIDENT. Can he do that?

DEAN. Sure. I think he could.

PRESIDENT. He could appoint a special prosecutor, for what? For—

DEAN. To reopen the investigation. He is the presiding Judge.

HALDEMAN. He could go, he could convene a grand jury. Or he said he could.

DEAN. Well, the government is going to do that. Uh—

PRESIDENT. The government's going to do that for what?

DEAN. Right after sentencing, the week after sentencing they're going to take all the people who've been sentenced back before the Grand Jury—

PRESIDENT. These same ones?

DEAN. These same ones. And see if they want, now want to talk. Sirica may—put, you know, give them provisional sentences. And say if they are helpful to the government, back before the Grand Jury, he'll reconsider the sentences, [unintelligible] people horrendous sentences.

PRESIDENT. Suppose—Horrendous sentences I think we can anticipate. But, but, suppose he does that? Then where, where does that leave us then, John? Where does that leave us? You just say—

EHRLICHMAN. Well, I don't think that's a surprise to the defendants. I think their counsel must have prepared them for that.

PRESIDENT. I'm—right. I wonder, however, however, in terms of what about our, what about our position? In other words, we're damned by the courts before Ervin ever could get there.

EHRLICHMAN. The, the only thing that we can say is for Ziegler to say, "Look, we've investigated backwards and forwards in the White House, and we're satisfied on the basis of the report we have that nobody in the White House has been involved in a burglary; nobody had notice of it, knowledge of it, participated in the planning, or aided or abetted it in any way."

PRESIDENT. Well, that's what you could say.

EHRLICHMAN. And it happens to be true,

PRESIDENT. Yeah.

EHRLICHMAN. as for that transaction.

PRESIDENT. [Laughs] Sure. As for that transaction.

EHRLICHMAN. Right.

PRESIDENT. Well, John, you, uh, you, uh, you must feel that's, uh, is enough.

DEAN. No [unintelligible]

EHRLICHMAN. Now, let's, let's try another, let's try another concommitant to that. Supposing Mitchell were to step out on that same day and were to say, "I've been doing some investigation at 1701 and I find so and so, and so and so."

PRESIDENT. [Unintelligible]

UNIDENTIFIED. Yes, sir.

EHRLICHMAN. And I don't know what he would say, but maybe he'd want to make some kind of a disclosure. And then what?

PRESIDENT. What the hell is he going to disclose that isn't going to blow something? Yeah. Well [unintelligible]

EHRLICHMAN. Well, I'm going to have to—I [unintelligible] have to resolve it.

PRESIDENT. I don't have any time. I'm sorry. I'm going to have to leave. What is there—What have you got here [unintelligible]. Well, uh, you meet what time tomorrow?

HALDEMAN. I am not sure. In the morning.

DEAN. Morning.

HALDEMAN. [Unintelligible] we will brood this out.

PRESIDENT. Fine. Well, sure. You come here [unintelligible]. We're going around. That's the way you have to do. Right.

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A RECORDING OF A MEETING AMONG THE PRESIDENT, JOHN DEAN, JOHN EHRLICHMAN, H. R. HALDEMAN, AND JOHN MITCHELL ON MARCH 22, 1973, FROM 1:57 TO 3:43 P.M.

PRESIDENT. Hello John, how are you? [Unintelligible]

MITCHELL. Mr. President [unintelligible] Nixon. Mr. President, I'm just great. How are you?

PRESIDENT. You Wall Street lawyer—

MITCHELL. Yeah. I would hope that would be okay.

UNIDENTIFIED. I think so. Yeah. You have to admit it, have to admit you're rich.

MITCHELL. Not in front of all these people that help to collect taxes.

PRESIDENT. Well, we'll spend them for what you want. [Unintelligible]

MITCHELL. But I, I can report, incidentally, that the firm is doing quite well.

PRESIDENT. Are they?

EHRLICHMAN. Can't think of any reason why it shouldn't.

MITCHELL. I don't either.

EHRLICHMAN. I assigned the log [unintelligible] on Saturday.

PRESIDENT. Yes, we know.

EHRLICHMAN. Eastland is going to postpone any further hearings on Gray for two weeks. Try and let things cool off a little bit. He thinks Gray is dead on the floor.

PRESIDENT. [Unintelligible]

HALDEMAN. Gray's the symbol of wisdom; today, he accused your counsel of being a liar.

DEAN. He may be dead 'cause I may shoot him.
[Laughter.]

PRESIDENT. How's that?

HALDEMAN. He said, "Yes"; he thinks John, he thinks John Dean did lie to the FBI when he said he wasn't sure whether Hunt, whether, uh, Howard Hunt had an office in the White House.

DEAN. I said I had to check it out. When, uh, when the agents asked me if they could see the office—was the way it occurred—right after an interview. And I said I would have to check that out. And now it's been interpreted that I was lying to the FBI about the fact that he had an office or didn't have an office here.

HALDEMAN. Which wasn't the question.

DEAN. Which wasn't the question.

HALDEMAN. [Unintelligible]. But the headline for tonight will be "Gray Says Dean Lied."

PRESIDENT. If Gray had been—Gray apparently didn't know what the testimony was, is what, uh—

DEAN. He never really sought to find out the facts.

PRESIDENT. The question [unintelligible] earlier he just took the question without checking on it.

DEAN. The leading question—Yeah, I think the question concerning the—

HALDEMAN. Yeah, the, you know, the—

MITCHELL. Well, another factor, those agents may [unintelligible]

DEAN. That's right.

HALDEMAN. Gray said that [unintelligible] FBI interview with Dean [unintelligible] question, he said, "I'll have to check it out" when asked if Hunt had a White House office. He wasn't asked that. He was asked if they could see, see the White House office. Said, "I'll have to check that out."

PRESIDENT. Well, you, will—

HALDEMAN. So then says, "Did Dean lie to the agents?" Byrd asked Gray. "Looking back I would have to conclude that you were—everything was correct in what you say."

PRESIDENT. Yeah, but, uh—

DEAN. It's such an irrelevant point even, that's the funny thing.

PRESIDENT. Well, as a matter of fact, uh [unintelligible] such a thing that—

DEAN. They're working on it right now.

PRESIDENT. [Unintelligible] talk to Radford?

DEAN. I think so.

PRESIDENT. Yeah, but [unintelligible] wasn't Gray responsible? Wasn't Gray responsible for that?

DEAN. Well, Bull has the matter right now. I just talked to him. He said he's quite frightened to sit down, frightened somebody is talking to you right now because, uh, uh, Byrd has indicated he's like to have all the records of all the conversations we've had since the hearings started. How does he think you have called me, initiated the calls, to report on their hearings—wasn't a problem.

HALDEMAN. Well, Hunt was on the [snaps fingers]

DEAN. He's a very down man right now, I might say also.

MITCHELL. Did you check the specific FBI reports?

DEAN. Uh, they are trying to find it over there right now. They are trying to find just how the draft of the transcript originated. And,

HALDEMAN. Yes.

DEAN. you know—

MITCHELL. Here's the point, that some of the worst conclusions about, you know, I've tried to cut off the FBI is simply inaccurate. That's what isn't true. That's the fact that [unintelligible]

DEAN. In fact that's a good point for Ziegler to say, this sort of reminds me of too—
UNIDENTIFIED. I know DeMarco—
MITCHELL. He's plenty good.
HALDEMAN. You, by the way, draw the combination, for instance [unintelligible]
PRESIDENT. Well he may be feeling sorry for himself, you know, and [unintelligible]
MITCHELL. [Unintelligible]
DEAN. He's, he, he sounds down. He realized after our conversation that, he sounded down. He said, uh, uh, and I said, "Well, I'll talk to you later Pat" and, uh, you know, trying to show that he'd like to discuss [unintelligible] my voice [unintelligible], and he said, "Hold on just a minute." "All right, just keep the faith." [Laughs]
UNIDENTIFIED. Has he been coached by someone?
DEAN. I don't think so. Dick Moore is talking with him right now and, and [unintelligible]
PRESIDENT. What did Dick, uh, Dick, uh, say, have to say about it [unintelligible]
UNIDENTIFIED. Sure. The only lawyer—
UNIDENTIFIED. [Unintelligible] want to get on the wire right quick.
MITCHELL. On the specifics of what the question was and what the response to it. Now, I think [unintelligible] Gray [unintelligible]
DEAN. Uh, they got material where they wanted. The information was in the office.
PRESIDENT. It was in the office? [Unintelligible] Hunt?
DEAN. I never—Down to this day I don't really know where Hunt's safe was kept. Uh, I don't think there was one—was there? [Unintelligible]
HALDEMAN. John's been over—John's been with Ziegler this morning.
DEAN. Yeah, I left them to come over here and—
PRESIDENT. You did? You were with them. They are, uh—
DEAN. They're working on it too.
MITCHELL. [Unintelligible] they're working on the specifics.
DEAN. Well, they are trying to get all the facts right now, as to what he might have reported as to how he came up with the transcript in the hearings, and then the frame up.
PRESIDENT. You were trying to get through to—with the [unintelligible] Silbert—you have to get the thing by Hunt.
EHRLICHMAN. Not before the Grand Jury.
UNIDENTIFIED. You mean—?
HALDEMAN. [Unintelligible]
PRESIDENT. Right. [Unintelligible]. Tell Ron [unintelligible]
UNIDENTIFIED. [Unintelligible]
DEAN. Well, maybe in the next twenty minutes I ought to shoot back over there and, and give her a call.
UNIDENTIFIED. Shoot back [unintelligible]
UNIDENTIFIED. [Unintelligible]

PRESIDENT. About how long will it be?

DEAN. Uh, fifteen minutes.

HALDEMAN. Well, John, uh, Howard Baker just had, uh—Hunt had this [unintelligible] sort of a buddy and, uh, Bittman just had lunch with Howard Baker's Administrative Assistant at the Administrative Assistant's request.

PRESIDENT. The same one that saw, uh, saw Colson?

HALDEMAN. Uh, I don't know that it was the same one, but I would guess. But this fellow, uh, wanted to get guidance from, uh, Timmons as to what the President was expecting out of the hearings and, uh, what, uh, he wanted to talk to him about this executive privilege business and, uh, where are we going to stand on that. He expressed the personal view that the President couldn't waive executive privilege, uh, which that son-of-a-bitch [unintelligible] Ervin would accept the written interrogatories, and, and that they would probably go to the subpoena route [unintelligible]. Uh, but, uh, nothing was raised about Baker being concerned that he didn't have contact—nothing on that other report was raised at all. Uh, but he did say that, uh, Baker was a little pissed off at Kleindienst because, uh, uh, he had not met with him at all. He had had one meeting scheduled which they finally were able to set up, but Kleindienst cancelled it. And it has not been rescheduled, and so Baker has had no communication with Kleindienst. The day it was scheduled was the day you had your press conference and announced your executive privilege or announced that the President with Dean and nobody would go up, which, uh, caught Baker unawares. Uh, and, uh, the disturbing thing is that his understanding is [unintelligible] the view that, uh, Kleindienst would keep him informed of this next time. [Unintelligible]

MITCHELL. Plus the fact they're having a meeting with that guy, uh, as soon as he—

HALDEMAN. Oh, yeah.

MITCHELL. And all Weicker does is [unintelligible] Moore and Howard [unintelligible] Justice Department [unintelligible]

HALDEMAN. Well he's objecting to the agreement that they made with Kleindienst, that Ervin made with Kleindienst, that, uh, FBI raw files would be made available to the Chairman and the ranking member.

MITCHELL. Yeah, well—

HALDEMAN. Demanding that they be—He's going to demand that they, they subpoena the, uh, Attorney General and the Director of the FBI to produce all the files, the materials and so forth.

DEAN. I talked to Kleindienst last night and he raised that. And he said that he worked this out with, with Weicker, but Weicker was now dissatisfied with the arrangement. So he's going to the Chairman and the ranking minority member on the conflict.

PRESIDENT. [Unintelligible] a letter to [unintelligible]

HALDEMAN. That could be the [unintelligible]

PRESIDENT. [Unintelligible] Baker's idea. He wanted to talk to Kleindienst about it, didn't want to talk to anybody else. That's the way we left it.

DEAN. [Unintelligible] I think that Kleindienst ought to be aware of the fact that Baker is distressed that he hasn't made any greater effort to see him.

PRESIDENT. Good point. Yeah.

DEAN. I will.

PRESIDENT. Fine [unintelligible]. Follow through and pick up on that idea. I just want—I think you'd better do it yourself. Don't you?

EHRLICHMAN. Could I suggest that, that you call Kleindienst? You had the other conversation with him. Could you call him and say you've gotten a rumor that Baker's unhappy? Because [unintelligible] nobody else can do it.

HALDEMAN. I think he's not really standing on his tippy-toes completely.

PRESIDENT. [Unintelligible]

MITCHELL. The nature of the liaison—he's got [unintelligible]

PRESIDENT. [Unintelligible] communicate back and forth.

EHRLICHMAN. [Unintelligible] will not want to be in position—Baker does not want to be in the position of talking to anybody in the White House.

PRESIDENT. He doesn't want to talk to anybody.

MITCHELL. [Unintelligible] collaborate with us.

PRESIDENT. He doesn't want to talk—

HALDEMAN. But he wants to collaborate—this A. A. was saying, he wants to be helpful, he wants to work things out. He told the President he wanted to do that through the

PRESIDENT. Yeah.

HALDEMAN. Attorney General.

PRESIDENT. That's right. Said he did want to talk to Kleindienst.

DEAN. Does Kleindienst know that?

PRESIDENT. Yes, of course.

HALDEMAN. Well then, call Kleindienst.

UNIDENTIFIED. [Unintelligible]. Were you there? [Unintelligible]

MITCHELL. What are they going to collaborate on?

PRESIDENT. [Unintelligible] what?

MITCHELL. Well, now, what are they going to collaborate on?

PRESIDENT. Well, I suppose on such matters, uh, you may recall that Gray wants to, uh [unintelligible] wants the FBI; however [unintelligible] and so forth having Kleindienst [unintelligible]

HALDEMAN. Well, again, I, I know exactly what the trouble is.

PRESIDENT. Oh, okay. [Unintelligible] all done. [Unintelligible] I'm the one that should do it. But you—what Baker was thinking of, says that Kleindienst cancelled [unintelligible] I would think Kleindienst should have done it.

EHRLICHMAN. [Unintelligible] broadcast [unintelligible]

MITCHELL. Well, that's another thing, that, uh [unintelligible]. For instance, said to Timmons, Baker was expecting all the lawyers to try to get into the confidence of Sam Ervin that [unintelligible]

HALDEMAN. Yeah, but he shouldn't be too concerned about Baker's public statements in agreement with Ervin with, uh, that established him [unintelligible]

PRESIDENT. Well, he said that he [unintelligible] against it. That's what he wants to do. [Unintelligible] Okay. Well, uh, you, you're going to follow up about 2:30 on, on, Gray [unintelligible]. He's [laughs] a little bit on the stupid side, to be frank with you.

DEAN. The prospects to let himself get sandbagged until then won't happen.

PRESIDENT. You'd better counsel him about it. The problem with him, the problem with him, John, is, uh, with Gray, is uh, a certain stubborness [unintelligible] talk to Kleindienst. Frankly, I think too, I think maybe, maybe Kleindienst ought to counsel him and talk to him.

DEAN. He has, uh, and he listened to him. John Ehrlichman talked to Kleindienst last night and said that's where Gray was getting his guidance.

EHRLICHMAN. The whole trouble is that Dick gives him guidance which is very general. Something like this comes up and Gray overreacts—it's almost a spasm reaction. We had, the other day—whether or not, you know, giving them access to the FBI files.

PRESIDENT. Yeah.

EHRLICHMAN. It was, it was the opposite of what Kleindienst told him.

PRESIDENT. I know it.

EHRLICHMAN. And, uh—

PRESIDENT. He shouldn't have even needed guidance on that.

EHRLICHMAN. Of course.

PRESIDENT. Nobody—the Director of the FBI should not have even known—should have even known, second nature, that, uh, you never turn over raw files to a full committee.

EHRLICHMAN. I talked to Dick Saturday night

PRESIDENT. Yeah.

EHRLICHMAN. and he just was beside himself because of that. And, uh, he said, "Hell, we covered this," he says, and, uh, he was really obsessed on it. And I feel—

PRESIDENT. Well, okay. I'll, uh—I'll tell him. [Picks up phone] Try Mr. Kleindienst, please. [Hangs up] Well, we're we, uh,—What, uh, words of wisdom do we have from this august body on this point?

EHRLICHMAN. Our brother Mitchell brought us some wisdom on executive privilege which, I believe—

MITCHELL. Technically, Mr. President, I think the only problem [unintelligible] and I'd prefer you just coming out and stating,

PRESIDENT. That's right.

MITCHELL. and, uh, and I would believe that, uh, it would be well worthwhile to consider to spoil the picture to the point where under the proper circumstances you can settle with certain former people in the White House and some [unintelligible] [telephone rings] some of the current people at the White House [telephone rings] under controlled circumstances should go up and, uh—[telephone rings]

PRESIDENT. [Picks up phone] Hello.
Oh, Dick, I wanted to tell you, you, know, on, uh, on, uh, uh, Baker that, uh, his Administrative Assistant was talking to Timmons and, uh, Baker has, uh, appreciated, you know, [unintelligible] going to make a deal [unintelligible] was good. They've not been able to, uh, have the, uh, discussion [unintelligible]. Well, I just wanted to tell you that, uh, you know, nobody here—you remember our conversation regarding any discussion at all with Baker, which I think is proper, don't you? Now the point is, on the other hand, uh, that Baker wants—what it means, you know, contacted, and it really depends, so—
I see.
Really? Uh huh.
Uh huh.
Today.
Yeah, by his Administrative Assistant.
So, uh, I guess that the point is that, which we—you see we're counting on you to be the man there, uh, Dick, and, uh, and I want to keep everybody else out of this and so—and, uh, you know, and I told Baker—I said [unintelligible] "All right, now who do you want to talk to?" And he said, "Kleindienst," and I said, "Fine, he's the man." And so I left it at that, and so he's, he's running down here—
Yeah.
Yeah.
How's this—why don't you get him on the phone, get him down there. And say, "Now, look, [unintelligible]. He's also—it's sort of a line with Baker, now, that he doesn't have any contact with the White House officials, he didn't want that, that's not his fault—that's not our fault. [Unintelligible] delighted except that it would not be the right thing. And, uh, on the other hand, in contact with you, it is essential for him to stick to your guidance. I get it he wanted everybody to come down in public session.
Yeah.
No way—and so forth.

Well, we'll keep in touch with you, Dick, uh, basically through Dean, uh, which is the best way, uh, in terms of, uh, in terms of, uh, of what, uh, of what we had done with the Committee [unintelligible] and that those were in our guidelines. But then I think you, you really got to be our Baker handholder, you know. That's a hell of a tough job, but, uh, I, if you have, if you have to have him move in with you, then do it, huh? Yeah, better get his wife out of the way and move him in. Yeah.

Yeah. Yeah.

Yeah, I understand. Postponed—for two weeks? [Unintelligible]. Yeah, I know.

Right, I know.

Right. Right.

Yeah.

Yeah.

Yeah, apparently down here it means that, uh, maybe he's a bit phony, but, uh, the other aspect [unintelligible].

Yeah, the trouble is, you know, is, uh, opened—I, I understand you were as shocked as some, as I was that raw files had already been made available to the Committee.

Yeah.

Did he? What do you think about it?

Yeah. Well, do what you can.

Incidently, with Weicker, did you work that thing out with him? Uh, he, he said in public he still hadn't written a letter, you know—yeah.

When did you talk to him? [Cough]

Yeah.

I expected that.

That's right.

Yeah.

No, you don't, you never had done that before. No, that even goes further.

Right. Right. But we're doing it in order that we get clear—Yeah. All right, then, let's leave it this way—You'll handle, uh, you'll, you'll handle Baker now, huh? You'll babysit him, starting, like, like in about ten minutes?

All right. Okay.

[Hangs up.]

PRESIDENT. We're fairly certain—You could probably hear this afternoon. He said, he said he's called Baker about, oh, dozens of times, and Baker—it seems she's out of town making a speech [unintelligible] and this trip just goes on, and on, and on. But, he'll try. He'll call him right away. He said he talked to Weicker for an hour on the phone [unintelligible] furnishing the files [unintelligible]. Well, anyway, he says he talked to him for an hour and a half.

UNIDENTIFIED. [Unintelligible]

PRESIDENT. When I talked to Kleindienst [unintelligible]. Maybe it's not Kleindienst; maybe it's Baker.

HALDEMAN. I would guess that there's truth, truth to that, too. I have always said, they're always down here bitching about nobody calling them, nobody giving them anything and all that. They say, "When you catch them, you can't get to them."

EHRLICHMAN. [Unintelligible] catch them [unintelligible] pass the word to Colson, Webster—

PRESIDENT. That's right.

EHRLICHMAN. And this—

PRESIDENT. And his, and his, and incidentally, it just looks like he—his Administrative Assistant called Colson. Now that's what Colson informed me. And I said, "But, what the hell," he said, [unintelligible], but I said, uh—

EHRLICHMAN. Well, that isn't a casual pitch.

PRESIDENT. No.

DEAN. Maybe he's looking for some—Baker's looking for some, some sort of a link with the White House. Maybe that's what he's

UNIDENTIFIED. Well—

DEAN. trying to hint at.

PRESIDENT. It's got to be Kleindienst. Go ahead on executive privilege, I suppose—How would you, uh, how would you handle it, uh?

MITCHELL. All I have worked out was

PRESIDENT. Work out the arrangements.

MITCHELL. the best formula that we've discussed.

PRESIDENT. Well, I guess under the, under the, uh, under the situation that you, uh, under the statement that we have, we're in a position to, to [unintelligible] I think we could, uh, we're in a position to, uh, negotiate with the Committee as to how, but we are not in a position to have, uh, to, uh, to cross the bridge in terms of saying that Hunt and Liddy will go down and testify and that members of the White House staff will testify in open, public session, or something like that. But you've got a lot of

EHRLICHMAN. Formal—

PRESIDENT. other things—

EHRLICHMAN. Formal is the word.

PRESIDENT. Formally is the word I use.

UNIDENTIFIED. Uh—

PRESIDENT. And incidentally, that's what I told Baker, too. I said, "Fine that's the term."

MITCHELL. On executive—

PRESIDENT. We begin with that proposition—I'd be comfortable there—and see what you can get by with.

MITCHELL. On executive privilege, Mr. President, stay well aware that some have waived it, and the more I think about it [unintelligible]

PRESIDENT. Yes.

EHRLICHMAN. And it hurts the more you do it, the more you—
MITCHELL. The more it's less, uh, [unintelligible]
PRESIDENT. [Unintelligible] Sherman Adams.
MITCHELL. Uh, the point, uh, beyond which you might be able to work it out here.
PRESIDENT. Yeah.
MITCHELL. The, uh, the point being that this seems to be the only way in which you get involved [unintelligible]
PRESIDENT. You do.
MITCHELL. I would, uh, lay out a formula and, uh, negotiate it with, with Sam Ervin or either through Baker or however else [unintelligible]. And I would, I would also put together a damn good PR team. [Unintelligible] made available so that the, uh, the facts can be adduced without putting on a political road show.
EHRLICHMAN. What about this?
MITCHELL. What about the President's team? The team is important.
EHRLICHMAN. Okay, I've written this. I can see that Chapin, for instance, could appear, without it in any way being germane to the Presidency. So I'm going to decide right now
UNIDENTIFIED. Baker—
EHRLICHMAN. that—
PRESIDENT. Not Baker, that'll be a little too—
EHRLICHMAN. Well, whoever you talk to. Uh, I've got a report here and I think I see where the danger points are and where they aren't. I'd want to reserve, obviously, as to any question that might be asked.
UNIDENTIFIED. Right.
EHRLICHMAN. I can pinpoint some people now, but it really wouldn't make any difference.
HALDEMAN. John, do you admit there's any danger point? You admit that any one member of the White House staff can testify because it's no danger point for him, but that some other one can't because it's a danger point with him. Then what you're saying is,
EHRLICHMAN. Well, but the first—[unintelligible]
HALDEMAN. then you're saying the President was involved.
EHRLICHMAN. I'm, I'm, I'm saying danger in the sense of that he could, could, could—provocative.
MITCHELL. But [unintelligible] for the sake of going about discussion, in other words that—Maybe we think that it's appropriate at this time to formalize John's theory on the Segretti matter and the Watergate matter based on he documentation from the FBI and [unintelligible] FBI [unintelligible] in other words based on—Can the Grand Jury—what we know came out of there, the trial [unintelligible] as far as that one incident—whatever the record, uh, could have been available to me. This is why the investigation of—we had the memorandum with the back-up—you know, obviously the FBI after all [unintelligible]

and so forth couldn't find anything more. It's not expected that you could or [unintelligible] get out by way of their interrogation [unintelligible] uh, two memorandums from Dean is important [unintelligible] appropriate time with it. John did, and say I [unintelligible] all the public records [unintelligible]

PRESIDENT. We've tried that though, John. Uh—

DEAN. [Clears throat] Why won't—

PRESIDENT. We still have grave doubts about it, though.

DEAN. Well, I don't know—

MITCHELL. I did too before, Mr. President. I, I had severe doubts about it. The, uh, now that, now that the facts have come out as have the FBI reports, and we have had the trial, that you have some documentation [unintelligible]

DEAN. I think the, uh, the proof is in the pudding, so to speak—it's how the document is written and until I sit down and write that doc—I, I've done part "B" so to speak. I've done the Segretti thing.

UNIDENTIFIED. Uh huh.

DEAN. Uh, and I am relatively satisfied that we don't have any major problems with that. All right, as I go to part "A"—the Watergate—I haven't written—I haven't gone through the exercise yet, uh, in really whole effort to write such a report, and I really can't say if I can do it—where we are. And I, I think it's certainly something that should be done, though.

PRESIDENT. Yeah.

DEAN. And, uh, but we—

MITCHELL. You never know—

DEAN. You never know until we sit down and try to do it.

PRESIDENT. Now, let me say on the Watergate, that's a case [unintelligible] Segretti [unintelligible]

DEAN. We can't, we can't be as complete 'cause we don't know. All we know is what, is whether—

PRESIDENT. That's a question [unintelligible]

EHRLICHMAN. It's a negative setting for us.

PRESIDENT. In setting forth this general conclusion based on [unintelligible] all these questions. You are—that based on all of your consideration, uh, all of your analysis, and so forth, you, you're, you have found and very carefully put down that this individual, that individual, that individual, were not involved. We're going [unintelligible] to have to presume that. Rather than going into every leaked story and other charge, et cetera, et cetera, et cetera, and knock this, this, this, this, this, this down—I don't, I don't know—

DEAN. Yeah, well that's why I'd like to like to—and I don't think I can do it until I sit down. This evening start drafting.

PRESIDENT. Exactly.

HALDEMAN. I think you ought to hole up—now that you—for the weekend and do that.

PRESIDENT. Sure.
HALDEMAN. Let's put an end to your business and get it done.
PRESIDENT. I think you need a—that's right. Why don't you do this? Why don't you go up to Camp David? And, uh—
DEAN. I might do that; I might do that. A place to get away from the phone.
PRESIDENT. Completely away from the phone and so forth. Just go up there and, uh [unintelligible] I don't know what kind work this is, but I agree that that's what you could—see what you come up with. You would have in mind and assume that we've got some sort of a document [unintelligible] and then the next step once you have written it you will have to continue to defend [unintelligible] action.
EHRLICHMAN. That would be my scenario, that, that he presents it to you as, at, at your request. And, uh, you then publish it.
DEAN. Well, that, that's—
MITCHELL. That introduces the problem for us [unintelligible]
DEAN. —trial.
MITCHELL. criminal trial and then appeals which may—
EHRLICHMAN. I, I know that, but I don't care.
DEAN. Well you ought to be—
HALDEMAN. I don't see why. You're not dealing with the defendant's trial. You're only dealing with the White House involvement. You're not dealing with the campaign.
DEAN. That's where I first [unintelligible]
PRESIDENT. Well, you can write, you could write it in a way
UNIDENTIFIED. [Unintelligible]
PRESIDENT. you could write it in a way that you say this report does not re—, it's not, not. will not comment upon and so forth and so forth, but, "I—as, as you directed, Mr. President, and without at all compromising the rights of defendants and so forth, some of which are on appeal, here are the facts with regard to members of the White House staff, et cetera, et cetera, et cetera, which you have asked from me. I have checked the FBI records; I have read the Grand Jury testimony and this is it—these are my conclusions, chit, chit, chit, chit."
EHRLICHMAN. As a matter of fact you could say, "I, I will not summarize some of the FBI reports in this document because it is my understanding that you may wish to publish this." Or, or you can allude to it in that way without saying that flatly. You can say that "I do not summarize all the FBI documents in this report."
DEAN. Or I could say that all of the FBI [clears throat], it is my understanding that all the FBI reports have been turned over to the Ervin Committee. Another, another vehicle might—
HALDEMAN. And, and he has only seen half of them.
DEAN. Yeah.
PRESIDENT. Oh, yeah.

DEAN. Another vehicle might be, take the report I write and give it to Ervin and Baker,

PRESIDENT. Yeah.

DEAN. uh, under the same terms that, uh, they're getting the FBI reports. Say, "Now, this has innuendo in it, little things the press would leak from this and assume things that shouldn't be assumed. But I want you to know everything we know." And publicly state that you've turned over a Dean Report to the Ervin Committee. And then begin to say—the next step is, "I think that you can see that various people have various ingredients where they may be of assistance in testifying. But it is not worth their coming up here to be able to repeat really what is here in some forum where they are going to be, uh, treated like they are in a circus. But I am also willing, based on this document, to set some ground rules for how we have these people appear before your Committee."

EHRLICHMAN. A case in point: the issue of whether or not I had a phone call reporting the burglary.

DEAN. Right.

EHRLICHMAN. Now, that's all I know about the damn thing is that the Secret Service, or some policeman phoned.

DEAN. But they could go on forever with you on that.

EHRLICHMAN. Exactly.

DEAN. And I think it ought to be things like we've got in, in this report and this might be, you know, get, give it to Ervin on the confidence that we're not talking about documents being released. We're talking about something that's entirely facts. You could even [unintelligible] write a [unintelligible]

PRESIDENT. [Unintelligible] accomplish our purpose if it isn't released.

DEAN. I think it, I think it—

PRESIDENT. And I, I thought the purpose—I thought John's concern [unintelligible] I guess you'd want him for me to—

DEAN. I do, I—

EHRLICHMAN. My thought is—

PRESIDENT. In other words, rather than fighting it, we're not, we're not fighting the Committee—we are, of course—but what we're fighting is a public relations battle.

EHRLICHMAN. And I am looking to the future, assuming that some corner of this thing comes unstuck at some time, you're then in a position to say, "Look, that document I published is the document I relied on, that's the report I relied on and it codified and included all the secret, uh, identification of the FBI—"

PRESIDENT. This is all we knew.

HALDEMAN. All the stuff we could find out—

EHRLICHMAN. "And now, this new development is a surprise to me, and I'm going to fire A, B, C, and D—now."

DEAN. John, let me just raise this. If you take the document publicly, the first thing that happens is the press starts asking Ziegler about it, inspecting the document each day. "Well, why did Ehrlichman receive the call? How did they happen to pick out Ehrlichman?"

PRESIDENT. That's right.

DEAN. "Uh, what did he do with the information after he got it?" Uh, so on. Each, every item can be a full day of quizzing.

UNIDENTIFIED. Yeah.

DEAN. They'll just go through the document day after day after day.

MITCHELL. Now what is your concerned judgment as to when and under what circumstances—

PRESIDENT. Another thing—However,

MITCHELL. [Unintelligible]

PRESIDENT. let me say, that while Ziegler could be given all those questions, I would say those are questions—I think Ziegler should cut it off.

MITCHELL. Let it die.

PRESIDENT. This—Yeah, fine. I think there should be a cut-off point which [unintelligible]. If John just sort of [unintelligible] I'm not going to comment on the basic questions that are properly before the Committee on the [unintelligible]

DEAN. Well, you, you've said you are going to cooperate with a proper investigation.

PRESIDENT. Yeah, but I'm not going to comment on it while it is proper.

DEAN. That's right.

PRESIDENT. As long as it's proper.

DEAN. So why would you, why not put ourselves in a framework where you're way out above it? You're cooperating with this Committee; you've turned over the materials,

PRESIDENT. And then, no further comment.

DEAN. and no further comment.

PRESIDENT. You see, I think you could get off with the Ziegler business. I mean, I don't want Ziegler—I, I was trying to pull Ziegler off of that by my own statement, too. [Unintelligible] cooperate with the Committee, give full cooperation, but we're not going to comment while the matter is being considered by the Committee

HALDEMAN. But you don't say,

PRESIDENT. unless the Committee does this and that.

HALDEMAN. but you don't say that people don't give, don't release, don't publish the, uh, Dean report. Only hand it over—

DEAN. —to a proper investigative committee.

PRESIDENT. Well, then if you turn over the, do that, though, then can we get anything out about the, uh, Republicans putting out that much of a report? Uh, can we still get out the fact that

EHRLICHMAN. Well, the President—
PRESIDENT. there has been a report in which everybody in the White House—which bears out the President's—
HALDEMAN. Ron can make the statement.
DEAN. That's right.
HALDEMAN. That the President—
[SEVERAL VOICES.] [Unintelligible]
PRESIDENT. John wants the statement—
EHRLICHMAN. Another way to do this, and that would be for you to have a meeting with Ervin and Baker.
PRESIDENT. Yeah.
EHRLICHMAN. That would—I told them—
PRESIDENT. Well, we've thought of that, I mean, we've thought of that and we've tried it.
EHRLICHMAN. But, but we didn't have a reason for the meeting. This would be for the purpose of turning over the document and discussing the ground rules. Uh, before you did that you want to have that all agreed in advance as to what the ground rules would be. And, you've got quid pro quo here because you could come to, to Baker, and you could come to the Committee or to Ervin direct, and say, "Look, I'll turn over the Dean report to you, provided we can agree, uh, on how witnesses will be treated up there." I can, I can even, uh, construe, uh,
PRESIDENT. Right.
EHRLICHMAN. executive privilege.
PRESIDENT. John, for example, if you were, uh, just talking about executive privilege, this, this really gets down to the specifics in terms of the question what do you do when they say, "What about Colson?" Does he go or not?
MITCHELL. I think that Colson goes.
PRESIDENT. He has to go?
UNIDENTIFIED. Right.
MITCHELL. I think Colson—
HALDEMAN. Everybody goes under John's—including Ehrlichman and me—everybody except John Dean, who doesn't go because he's, got the lawyer privilege.
MITCHELL. I think what is happening to you and John and so forth with the Committee could be negotiated out of the contents of this report.
PRESIDENT. We should negotiate it how?
MITCHELL. The President's report will show that, uh, your simple thought—your simple involvement was missing in the pub bill.
HALDEMAN. No, it would show more on my book, I'm afraid.
DEAN. But, they'll still, they'll still—One strong argument—
HALDEMAN. Let us, let us go.
DEAN. Yeah.
HALDEMAN. I, I, I don't see any argument against our going if you are going to let anybody go.
DEAN. That's right.

HALDEMAN. Let us go. But, on the condition—you get less trouble with us than you do with some of the others. And if it's not—and, now sure if you get, if you get the big fish up there in front of the television cameras, yes, I think that would be tough. I think Strachan going up wouldn't get them nearly as excited as, as John and me going up.

PRESIDENT. That's Strachan and Chapin.

HALDEMAN. Well, Chapin wouldn't have to appear

DEAN. Well—

HALDEMAN. as a focal point, but, but, uh, uh, I think, if you could do it in executive session, uh—

UNIDENTIFIED. Then I would [unintelligible]

HALDEMAN. Then, then why hold us back?

PRESIDENT. The executive session thing has always appealed to me. Now of course, you could say, "Well, in terms of people coming up here, of course you have to [unintelligible] session, but you got to convin—, the Committee feels constrained under executive session—

DEAN. We can invite the Committee down to the Roosevelt Room or the Blair House.

UNIDENTIFIED. Yeah.

MITCHELL. Oh hell, you could—

PRESIDENT. Yeah, you could set it at a different venue, that's true. You could put it in a different place. You could say we—which is what I—

MITCHELL. That would be hard to negotiate.

HALDEMAN. Can, can we maintain informality?

EHRLICHMAN. It will never—it would never fly.

UNIDENTIFIED. Never fly.

HALDEMAN. Yeah, I don't know why not. Those others go up there.

UNIDENTIFIED. [Unintelligible]

PRESIDENT. Well, would executive session fly?

EHRLICHMAN. Executive session, I suspect, would at this point, yes, sir, yeah, I, I really think these guys are concerned about this Mexican standoff that they've got, and I think they're—

PRESIDENT. They'll also—

EHRLICHMAN. I think that, that, the, uh—Ervin's crack on television about arresting people crossed the line.

PRESIDENT. Right.

EHRLICHMAN. That would take it quite a bit far.

MITCHELL. In addition to that you have the problem of the long lengthy litigation.

PRESIDENT. It's going to go on for a hell of a long time.

HALDEMAN. Ervin doesn't want that.

DEAN. Let him take it on the counsel, then.

HALDEMAN. That's what he doesn't want.

DEAN. I know, but let him, if, if he, uh—

HALDEMAN. We have offered to do it on Dwight Chapin. That's the easy one for him.

UNIDENTIFIED. Yeah.

HALDEMAN. You got some guy who had no contact with this [unintelligible]

PRESIDENT. It was quite, it was quite clear to me that, it was quite clear to me that, uh, as long, as long as Dean—

HALDEMAN. Won't they test it?

PRESIDENT. No, they didn't test it. We asked them to- -

UNIDENTIFIED. Find out.

PRESIDENT. He said let's find out. They didn't bite that one very fast, did they John?

HALDEMAN. Chapin's the guy they'd test it on. You try to hold privilege on Chapin and that's one they'd go to Court on. They, they'd—

PRESIDENT. Probably.

HALDEMAN. You might do pretty well, because here's a former employee, a guy who had no policy role, had no

PRESIDENT. —contact—

HALDEMAN. major contact with the President, and he'd have a hell of a time demonstrating—

MITCHELL. Obviously you'll have to expect a subpoena.

PRESIDENT. Chapin?

MITCHELL. Yeah, because he's no longer employed.

HALDEMAN. Well, because,

PRESIDENT. What I'd—

HALDEMAN. because with the subpoena, if he's called to testify regarding his appointment, but not, not regarding his—any present stuff.

MITCHELL. He doesn't [unintelligible] legroom. They can get him up there.

EHRLICHMAN. Well, the precedent

UNIDENTIFIED. I, I, I—

EHRLICHMAN. on this is interesting. I think that his lawyer would advise him to go.

UNIDENTIFIED. Couldn't get anything, couldn't do anything [unintelligible]

MITCHELL. They could get him to talk.

PRESIDENT. We would have to express the trust—In the case of a present White House employee they couldn't get him up here, right?

MITCHELL. Right.

PRESIDENT. In the case of a past one you could get him up, but then he could, then he would have to go in front of the cameras and say, "I will not because of executive privilege."

MITCHELL. Well, they can get up with him.

EHRLICHMAN. But it's your privilege—you interpose it.

PRESIDENT. I see.

EHRLICHMAN. And, and, uh, first we have the, the anomoly of Clark Mollenhoff running up and, and, uh, trying to give testimony in a civil service area over here now. He's running up saying, "Ask me a question, ask me a question, this is a kangaroo court, and, and I waive—" The hearing examiner just says, "Sit down and shut up." And what's happening is that, that, the, uh, government is asserting the executive privilege.

MITCHELL. No, they are not.
EHRLICHMAN. Well—
MITCHELL. Not executive privilege.
EHRLICHMAN. Yeah, all right—
MITCHELL. In fact you have—
UNIDENTIFIED. [Unintelligible] executive—
EHRLICHMAN. All right. It's the closest thing to it. But the point is, who's privilege is it to assert? Now, what do you do if it's Chapin? I think, I, I haven't thought this—this is the reason I called you here to figure out what the scenario is—but I assume what would happen is that immediately the subpoena issued, that, that on behalf of the President a letter would go to the Committee saying the Executive asserts privilege.
PRESIDENT. Let me ask this. Uh, the, this question is for John Ehrlichman and, uh, John Dean. Uh, now you were the two who felt the strongest, uh, on the executive privilege thing [unintelligible]. If I am not mistaken, you thought we ought to draw the line where we did [unintelligible]. Have you changed your mind now?
DEAN. No sir, I think it's a, I think it's a terrific statement. It's—It, it puts you just where you should be. It's got enough flexibility in it. It's—
PRESIDENT. But now—what—all that John Mitchell is arguing, then, is that now we, we use flexibility
DEAN. That's correct.
PRESIDENT. in order to get on with the coverup plan.
EHRLICHMAN. And, as I told him, I am, am so convinced we're right on the statement that I have never gone beyond that. He argues that we're being hurt badly by the way it's being handled. And I am willing—let's see—
MITCHELL. That's the point.
HALDEMAN. I think that's a valid evaluation, I think [unintelligible]
MITCHELL. See, that's the only point, the only point—
HALDEMAN. Yeah.
MITCHELL. where the President—
HALDEMAN. That's where you look like you're covering up right now. That's the only thing, the only active step you've taken to cover up the Watergate all along.
PRESIDENT. That's right.
DEAN. What is?
HALDEMAN. Was that.
PRESIDENT. Ev—, even though we've offered to cooperate.
HALDEMAN. To the extent—and on legal grounds, and, and precedent,
PRESIDENT. That's right.
HALDEMAN. and tradition, and constitutional grounds and all that stuff you, you're just fine, but to the guy sitting at home who watches John Chancellor say that the President is covering this up by re—, this historic review blankets the widest exercise of executive

privilege in American history, and all that. He says, "What the hell's he covering up? If he's got no problem why doesn't he let them go and talk?"

MITCHELL. And it relates to the Watergate, it doesn't relate to Henry Kissinger

HALDEMAN. That's right.

MITCHELL. or foreign affairs.

HALDEMAN. That's right. Precedent and all that business—they don't know what you're talking about.

PRESIDENT. Well, maybe then we shouldn't have made the statement.

HALDEMAN. I think we should have because it puts you in a much better position to—They were over here. That's what Ervin wanted. He wanted all of us up there—unlimited, total, wide open. We—The statement in a sense puts us over here. Now you move back to about here and probably you can get away with it.

EHRLICHMAN. Well, you can get away with it in the Watergate context. You see, you said

HALDEMAN. That's right.

EHRLICHMAN. executive privilege would work and, and then, then you've applied it in the first instance to Gray. You said this fellow can't go.

PRESIDENT. That's right.

EHRLICHMAN. And, I wouldn't change that.

PRESIDENT. I [unintelligible]

EHRLICHMAN. I can't—anything about that.

PRESIDENT. Great.

EHRLICHMAN. Exactly right.

PRESIDENT. Right.

EHRLICHMAN. At the same time—

MITCHELL. By the way isn't that [unintelligible]

EHRLICHMAN. [Unintelligible]

PRESIDENT. That's right.

EHRLICHMAN. Uh—

PRESIDENT. [Unintelligible] one syllable names.

EHRLICHMAN. At the same time, uh, you are in a position to say, "Oh, well now this, this other case, and what I, what I'm going to do there, consistent with my statement, is so and so, and so and so."

HALDEMAN. Because it very clearly—The questions that the Committee properly wants to ask don't have any bearing on these people's relationship to the President. Which they don't. The President had nothing to do with it.

UNIDENTIFIED. I don't know at all. I—

EHRLICHMAN. There again, it's going to be hard to get proof. Well, it'll be hard to—if you—You're right. we're going to need some kind of a PR campaign.

UNIDENTIFIED. Yes, that's true.

PRESIDENT. That's true, what?

EHRLICHMAN. For the average guy.

PRESIDENT. Is thinking about [unintelligible] Dean—

EHRLICHMAN. This is—the argument will be, uh, the President's backed off his rock solid position on executive privilege and is now letting, uh, Chapin, and Colson, and, and, Haldeman, and everybody testify.

PRESIDENT. That the rest of us said that that's perfectly [unintelligible]

DEAN. It is. I think they're—

EHRLICHMAN. —saying that there are PR problems.

PRESIDENT. But people don't think so, is that right?

UNIDENTIFIED. That's right.

DEAN. That's right.

PRESIDENT. In spite of what [unintelligible]

HALDEMAN. Oh, yeah. They don't think the—

PRESIDENT. I agree. I understand. I understand.

HALDEMAN. They think you clanged down an iron curtain here and you won't let anybody out of here, ever. That have ever worked here. Scour lady on up. It was my understanding—I thought from you, or maybe it was someone else—that the Committee's operating rules do not permit witnesses to have counsel.

DEAN. That's grand jury. I've never heard that about,

HALDEMAN. —about the Committee?

DEAN. about the Committee, no, I can't believe—

PRESIDENT. The Committee, on the contrary, on the contrary, committees, ever since the day I was there, they, they all allowed counsel.

UNIDENTIFIED. [Unintelligible]

MITCHELL. Can't imagine their not having counsel.

DEAN. [Unintelligible]

PRESIDENT. No, sir. Committees, committees allow counsel.

HALDEMAN. If that's—it seems to me if you're going to do this, that becomes important in that any White House staff member who testifies should not only have private counsel if he wants it—personal counsel—but the President's counsel should be there because you're under a limited waiver of executive privilege and the President's counsel should be there to, to, uh, uh, enforce the limitation and the witness should not have to be in the position of saying, "That's one I can't answer because it is outside the ground." You or Fielding or somebody should be doing that for him.

PRESIDENT. Have you—the, the executive session thing?

UNIDENTIFIED. No. They, uh—

DEAN. They'll bitch about that, too.

HALDEMAN. What are you going to hide? If you're going to let them come up, why do you—why is that secret?

PRESIDENT. Yeah, yeah. How do you handle that PR-wise?

MITCHELL. You don't. One of the hazards [unintelligible] another Roman holiday like they've had with Kleindienst and Gray. This, uh, fact-finding operation—they're to get the facts and not to put another political, uh, circus like they have in the past.

DEAN. And if—if there were no cameras up there, there would be no reason to have it executive session because, uh—

HALDEMAN. Well, then they come back and say all right we'll do it in open session, but we'll, uh, permit television coverage.

PRESIDENT. Oh no. They won't do that. That [unintelligible] their problem because of television. It'll kill them [unintelligible] executive session written testimony be released. I think that that's the basis of the relation. That is stupid to talk about formal sessions, so, uh, that, that gets away from it. That's a, that's a— It, it is a formal session. Executive session [unintelligible] release testimony. Correct?

DEAN. That's correct. We have said that no—

HALDEMAN. Point of debate, too. You argue they shouldn't.

UNIDENTIFIED. Yeah, he does.

MITCHELL. Well, they won't buy it.

EHRLICHMAN. Yeah, but I probably can't get away with it. [Unintelligible]. But it's a good thing to start with.

UNIDENTIFIED. Sure.

EHRLICHMAN. You want a bargaining position, I think it's arguable that, uh, that all they're really interested in this, is information, and I think they don't need to release the transcripts, you know.

HALDEMAN. Is there, uh, an executive session of a Senate Committee—Are other Senators permitted—they are, aren't they? Any Senator has the privilege of Committee [unintelligible]

UNIDENTIFIED. Yup.

HALDEMAN. So Teddy Kennedy could come in and sit there.

PRESIDENT. Sure. He can't ask questions.

HALDEMAN. He can't?

MITCHELL. Not unless you're a member of the parent Committee.

UNIDENTIFIED. Which he is.

MITCHELL. [Unintelligible]

HALDEMAN. But this isn't, this isn't subject—

DEAN. Select, Select Committee.

PRESIDENT. Other members cannot—whether—that, that should be worked on too. But I—It normally is the practice that nobody can ask questions except members.

HALDEMAN. Of course, Teddy could still sit there in the audience and then go out to the TV cameras and say, "Look [unintelligible]"

DEAN. Wouldn't it be wonderful if he would?

PRESIDENT. Probably we're going to have that.

DEAN. I think if he did that, that would be terrific.

HALDEMAN. I was just thinking that, in the membership of the Committee, we're in reasonably good shape. The members—the people that you have on the Committee are not as bad as most, as some Senators who would turn the use of TV afterwards for their own—

PRESIDENT. Not as spectacular. What?

UNIDENTIFIED. You know, no way, and, and, uh [unintelligible]

[SEVERAL VOICES.] [Unintelligible]

EHRLICHMAN. Well, I would say [unintelligible]

PRESIDENT. It's very soon that we're going to be moving on [unintelligible]

DEAN. And I point out [unintelligible]

PRESIDENT. [Unintelligible]

HALDEMAN. When do they start hearings now?

PRESIDENT. The thing—

DEAN. There's no time set.

HALDEMAN. How would they time that?

PRESIDENT. Well, the top—, the hearings won't be—we have plenty of time before the hearings, but what, uh—

UNIDENTIFIED. The PR.

PRESIDENT. John's concerned about, the PR, we don't have much time.

UNIDENTIFIED. Well, but—

PRESIDENT. You don't have much.

DEAN. PR is going to start on this right away with, with the termination of the Gray hearings for two weeks that'll let some steam out of the—

PRESIDENT. Yeah. Your PR would,

DEAN. Well, it'll have to—

PRESIDENT. the PR would—What I mean is, and any—, and anyway the main thing is to do the right thing. Don't rush too fast on the PR but, uh, uh, it'll take some time to write, uh, something. John's got to have time to write this report. He's got to have a chance to look at—I guess we don't, we don't breach, we don't broach or do we broach this whether we have a report or not?

MITCHELL. I think you can broach that.

PRESIDENT. Fine.

MITCHELL. Now—

PRESIDENT. Let me ask you this: On the broaching of that, should we have Kleindienst be the broacher? The point is, who else? I can't.

DEAN. That's right. Well, Kleindienst in his conversations with Ervin and Baker—Ervin indicated that he would like to talk to Kleindienst about the executive privilege question. Uh, maybe it's now time to get that channel re-opened again. Uh—

MITCHELL. Let me, let make make this suggestion.

HALDEMAN. Write it out so, so Kleindienst said that both chapter and verse—on this—

UNIDENTIFIED. [Unintelligible]

UNIDENTIFIED. Without anybody else present.

MITCHELL. For a first step, for a first step, you're going to have that meeting and we're going to keep John out of that. But you're going to have everybody screaming about executive privilege going on in a committee meeting again. And I think, well, before the Com-

mittee meeting is held, for somebody to say, "We want to discuss with the Chairman of the Committee his concept of the appearances of witnesses." And don't discuss it with him until you get all your ducks in a row all layed out. But, at least you advise them that it is a discussion of the subject matter so they don't come out and blast you [unintelligible]

EHRLICHMAN. Then ask him not to take a Committee vote on the subject either, until—

HALDEMAN. [Unintelligible] committee locked in, but you can work something, maybe you can work on that.

PRESIDENT. Well is this the time to, uh, I mean, the point is, uh, if the, if the, if the Committee—Is this the time to [unintelligible]. That's it. Who's going to talk to him? Who's going to be there? Who do you think should do it?

MITCHELL. Kleindienst talks—

PRESIDENT. Talks to—in other words to Baker and Ervin, basically. That conversation should occur like tomorrow. Why not? If you're going to move in this direction, regardless of the report. We've got to move in this direction [unintelligible] start the negotiation.

MITCHELL. Well, I think that's too much lead time. Uh, in, in the process before the Committee meeting [unintelligible]. Now, what's Wally Johnson's status?

DEAN. That's funny, because I—he is still here, hasn't gone up yet, but he's been announced apparently. I gather he'll be an assistant Attorney General. What I was thinking is maybe to preserve my counsel role with Ervin and Baker that I ought to be present with Kleindienst.

PRESIDENT. I agree.

DEAN. And the four of us sit down and talk about executive privilege—we won't get into

PRESIDENT. Yeah.

DEAN. any of the substance.

PRESIDENT. Well, the thing about your being at this, uh, is that you can keep Kleindienst, uh, uh—I'm skeptical—

DEAN. Plus they, they would appreciate the fact they're dealing with me as counsel—that's another reason I am not,

PRESIDENT. That's right.

DEAN. you know, when the final wire is drawn—

MITCHELL. Well, it's appropriate for the President's counsel to be present when the discussions take place.

DEAN. That's right.

PRESIDENT. Well, all right. Now let's, let's get down to the question: How do we want to do this? How do we start there?

DEAN. I would think that possibly Kleindienst, uh, ought to call today, uh, and let Ervin and Baker know that he would like to meet with them early next week to talk about executive privilege, uh, indicate that I would be present to see if we can find

PRESIDENT. A formula for
DEAN. a formula to resolve—
PRESIDENT. getting information that they desire.
DEAN. That's right.
HALDEMAN. It's an unpublicized meeting.
DEAN. Unpublicized.
PRESIDENT. I think we'd, uh [unintelligible] go ahead.
HALDEMAN. [Unintelligible] on top of that. I would say early in the week. you better say Monday so you can get them before the Committee meets.
MITCHELL. And, naturally cover Watergate first.
PRESIDENT. I don't know how far Ervin's going to go, uh—Ervin's insistence on letting Dean testify—whether he might. We'd have to draw a line there, wouldn't we John?
MITCHELL. I would agree wholeheartedly that you better not go back on your final statements on the subject.
PRESIDENT. That's right. That's right.
UNIDENTIFIED. Even if there hadn't been statements—
PRESIDENT. That's right. But the point is, we've got to accept the decision of Judge Byrnes [unintelligible] on the bail. The other thing to do on the Dean thing is say—you'd simply say, "Now, that's out. Dean has—he makes the report. Here's everything Dean knows."
DEAN. Right.
PRESIDENT. That's where, that's why the Dean report is critical.
EHRLICHMAN. I think, John, on Monday could say to Ervin if that, uh, question comes up, "I, I know the President's mind on this. He's adamant about my testifying, as such. At the same time he has always indicated that the fruits of my investigation will be known." And just leave it at that for the moment.
DEAN. One issue that may come up as the hearings go along, if it then becomes a focus, is, what did Dean do? Uh, as you all know I was over—all over this thing like a wet blanket. I was everywhere—everywhere they look they are going to find Dean.
PRESIDENT. Sure.
DEAN. Uh—
HALDEMAN. That's perfectly proper.
DEAN. But it, but—I don't think that's bad.
EHRLICHMAN. I don't know. I was supposed to be.
PRESIDENT. You were on it at the first. You were directed by the President to get me all the facts. Second, as White House Counsel you were on it for the purpose of, of representing any people in the Executive Branch who were being questioned on it. So you were there for the purpose of getting information. In other words, that was your job. Correct?
DEAN. That's right.
PRESIDENT. Then you heard—But, but the main point is that you

can certainly tell them that Dean had absolutely no operational—The wonderful thing about your position is, I think, as far as they're concerned—Watergate—is your position's one of, of truly of counsel. It is never, never as an operator. That's the—

HALDEMAN. You can even—In the private sessions, then, maybe, maybe, volunteer to give them a statement on the, the whole question of your recommendation of Liddy which is the only possible kind of substantive [unintellible] that you could have and, and in that you can satisfy one of those arguments.

PRESIDENT. [Unintelligible]

HALDEMAN. And that you—if you wanted to.

PRESIDENT. At the, at the President's direction you've never done anything, any operational, you were always, always just as counsel, always just as counsel. Well, we've got to keep you out anyway: the Dean thing. I guess we just draw the line, so we give them some of it—not give them all of it. I don't suppose they'd say John—"No, we don't take him in executive session." Would he go up in public session? What would your feeling on that be?

MITCHELL. I wouldn't let him go.

PRESIDENT. You wouldn't.

MITCHELL. I would not.

PRESIDENT. Why not? You just take the heat of being—uh, all right. How about you wouldn't—but on the other hand you'd let Chapin go. And you'd let Colson go.

HALDEMAN. No, he doesn't.

PRESIDENT. Because they're former White House people.

MITCHELL. You can't keep them out of all those sessions. Now, I want to get back to that [unintelligible] Dean spoke to Chapin; on the basis of that Chapin talked to Segretti last weekend.

DEAN. Well, they can subpoena any of us. There's no doubt about that. Uh, they, they, if they don't serve us here because they can't get in, they can serve you at home or somewhere. They can ultimately find you.

EHRLICHMAN. I'm going to move to Camp David.

PRESIDENT. Right.

HALDEMAN. By helicopter.

[Laughter.]

PRESIDENT. Go ahead. [Unintelligible]

DEAN. So, the question is once you're served and you decline, then you've got a contempt situation. Now, I would say that it, it, it gets very difficult [sighs] to believe that they'll go contempt on people who—

PRESIDENT. Present White House staff.

DEAN. Present White House staff.

PRESIDENT. They would on Colson. They could do that, could they?

DEAN. That would be a good test case for them to go on. Uh, the other thing is, though, they could sub—, subpoena Colson to come up there and Colson could then say,

"Well, I, I decline to testify on the basis that I think this is a privileged communication, uh, or privileged activities." And again you get a little, a little fuzzier as to whether or not you—

MITCHELL. I'd rather not answer the question that's asked.

DEAN. That's right.

MITCHELL. See my point.

DEAN. That's right. There it, then it would get much fuzzier as, as to whether or not they cite him for contempt or not.

PRESIDENT. Suppose the Judge tomorrow, uh, orders the Committee to show, show its evidence to the Grand Jury [unintelligible] then the Grand Jury reopens the case and questions everybody. Does that change the game plan?

DEAN. [Unintelligible] send them all down.

PRESIDENT. What? Before the Committee?

MITCHELL. The President's asked [unintelligible] this.

DEAN. Now are you saying—

PRESIDENT. Suppose the Judge opens—tells the Grand Jury and says, "I, I don't," says, "I want them to call Haldeman, Ehrlichman and everybody else they didn't call before." What do you say to that? Then do you still go on this pattern with the Ervin Committee? The point, is, if, if a grand jury, uh, decides to go into this thing, uh, what do you think on that point?

EHRLICHMAN. I think you'd say, "Based on what I know about this case, uh, I can see no reason why I should be concerned about what the grand jury process—"

PRESIDENT. All right.

EHRLICHMAN. That's all.

HALDEMAN. And that would change—

PRESIDENT. Well, they go in—do both: Appear before the Grand Jury and the Committee?

DEAN. Sure.

EHRLICHMAN. You have to bottom your defense, your position on the report.

PRESIDENT. That's right.

EHRLICHMAN. And the report says, "Nobody was involved,"

PRESIDENT. That's right.

EHRLICHMAN. and, and you have to stay consistent with that.

MITCHELL. Well, theoretically, I think you will find the Grand Jury is not about to get out of the [unintelligible] substance.

PRESIDENT. Right.

HALDEMAN. Thus the danger of a grand jury is they bring indictments on the basis of—

MITCHELL. Which they've studied.

DEAN. Well, there are no rules.

PRESIDENT. The rules of evidence before grand juries are not pretty fair at this point.

DEAN. That's right.

MITCHELL. Uh, when you have something that's, uh, reasoned and controlled—

PRESIDENT. Yeah.
DEAN. You have attorneys—
PRESIDENT. Yeah.
MITCHELL. [Unintelligble] the rules of the evidence meet.
PRESIDENT. [Unintelligible]
EHRLICHMAN. Somebody can get one in the form of a letter.
MITCHELL. [Unintelligible] according to [unintelligible]
HALDEMAN. Well, what would happen? Would Silbert be the, be the, uh, prosecutor on this?
DEAN. Unless the, the Court appointed a special prosecutor, which he could do.
PRESIDENT. Yeah. So, we better see tomorrow on that. But, uh, but, the—So that, if that's the case how do we, uh—let's move now on the first one. Now who is to call, uh, Kleindienst?
DEAN. I am to follow through on [unintelligible]
PRESIDENT. You going to call him and tell him what?
DEAN. I'm going to tell him to call Baker first, and then Ervin, and tell them that you would like to meet with them on Monday, uh, to discuss and explore a formula for providing the information they need in a way that does not cause a conflict with the President's general policies on executive privilege.
PRESIDENT. Yet meets, and yet meets their, uh, meets their need for information.
DEAN. Right.
PRESIDENT. Have they requested, they've requested that kind of a talk already, haven't they?
DEAN. Yes.
EHRLICHMAN. And you'll sit down with Dick, Mr. President?
PRESIDENT. Yeah. Yeah. [Unintelligible] you're going to be so busy doing the report there will be no one—
DEAN. Well, I'll work on that over the weekend, and, and, uh, actually it's good because things do slow down a little over the weekend.
HALDEMAN. Also write out a thing for Kleindienst so that—
PRESIDENT. I think you can talk to him. I, I think you can do most of the talking. Get the main—Get to thinking—You can do it. Say you have studied the subject. You also know what, what, uh, my position is.
DEAN. I don't think we ought to read anything in this first session but I think we ought to let him know that we are thinking about
PRESIDENT. Right.
DEAN. reaching some sort of—
PRESIDENT. Say, "Now, what is, uh,—What would you think here?"
HALDEMAN. Well, just stay loose [unintelligible]
DEAN. Stay loose.
PRESIDENT. I would say, I would say, "Now look, that's what, that's what we're going to do. We'll lay out the thing about, uh, with regard to this, we want to, we want to see what can be worked out with regard to, uh, uh—

We, we talked about informal sessions. Is Ervin's position been he insists on formal sessions? Is that his position?

DEAN. Well, we don't know. We've never really [unintelligible]

MITCHELL. [Unintelligible] gotten into that.

HALDEMAN. His response to your position—that's really what you've got now—

PRESIDENT. Yeah.

HALDEMAN. Ervin's response to the, to the Nixon position and that is, "Written stuff isn't any good. I want the body, you, you can't ask paper, you can't ask a piece of paper questions." Okay. Now, what we're saying meets that requirement—

PRESIDENT. The written, the written thing was in which?

EHRLICHMAN. That was a, that was a, uh, Ziegler, I believe.

PRESIDENT. I think so.

EHRLICHMAN. I don't know how it came out. It's not in a statement.

HALDEMAN. No, but it's a general thing. I think

PRESIDENT. Yeah.

HALDEMAN. it was in your press conference where you said they will provide written, uh—I think you said it.

PRESIDENT. I may have said it and I don't—

HALDEMAN. In a press conference. And I think Ervin's response was to that.

PRESIDENT. Right.

HALDEMAN. Your statement if, uh,

PRESIDENT. Could have been.

HALDEMAN. "These people will be happy to provide, uh, written answers to questions,"

PRESIDENT. Yeah.

HALDEMAN. "that, uh—appropriate questions."

PRESIDENT. You think—are you sure it wasn't in the statement, the written statement?

EHRLICHMAN. No.

HALDEMAN. No.

EHRLICHMAN. I think, I am sure we

PRESIDENT. Right.

EHRLICHMAN. used formal, informal—

DEAN. It, it came up the first time is when I responded to,

MITCHELL. That, that's right. Exactly.

DEAN. to Eastland, I responded to Eastland's invitation to—

PRESIDENT. You said you would furnish written—

UNIDENTIFIED. Right.

DEAN. Furnish written—

PRESIDENT. I think the—I think that's where you'll find it.

DEAN. And then you—and then it was repeated after that, uh, that we would be happy to supply information and, uh—

PRESIDENT. I think we've been [unintelligible]

HALDEMAN. But, then Ervin responded—he specifically rejected that only on the grounds that you can't ask questions of a piece of paper.

PRESIDENT. Cross examine.
HALDEMAN. We need to deal with our questions. So we are giving him that opportunity. He hasn't said that the processes of the Senate require that those questions be answered in [unintelligible]
PRESIDENT. What is the, what is the argument that you give, John, to people who—and, uh—Why executive session rather than open session?
DEAN. Well, I—
PRESIDENT. You can't really give—
DEAN. I think we'll have—
PRESIDENT. You can't really attack the Committee's, uh, flamboyance.
DEAN. No, you can't.
PRESIDENT. So, what do you say?
DEAN. I think what I'd do is we'll talk a little about the Constitution, and I'll remind him of the position that he took so vocally in the Gravell case,
PRESIDENT. That's right.
DEAN. where he came out and said that legislative aides cannot be called to question for advice they give their Senator or Congressman. He just went on at great length and cited executive privilege—
PRESIDENT. Then he'll say, "This was not advice to the President." Go ahead.
DEAN. Well, and I'll say, I'll, and I'll say that, that these are men who do advise the President.
PRESIDENT. And that's, that's the principle involved.
DEAN. And we have to draw the line.
PRESIDENT. And to have the principle discussed, uh, in open session, and so forth, is the kind of a thing where you've got to, you ought to go off to the bench, where the jury doesn't hear it, basically.
DEAN. Well, I—
HALDEMAN. I don't think John or Dick should tip their hands in the Monday meeting as to an offer to appear in executive session and get them on to the executive session wicket. It seems to me
DEAN. No. No, I agree.
HALDEMAN. they, they should only indicate a willingness to listen to, uh, ideas as to what would be done
DEAN. Yeah.
HALDEMAN. and an open-mindedness to try and work something out.
PRESIDENT. Yeah.
HALDEMAN. Because if you get to that, that's going to become the issue
PRESIDENT. Yeah.
HALDEMAN. and it seems to me that's an issue we could win publicly where we may not be able to win it with the
DEAN. I think, I—
EHRLICHMAN. How about—
HALDEMAN. Senate, but you [unintelligible]

EHRLICHMAN. What about expressing the President's concern about the protection of his people from a spectacle?

UNIDENTIFIED. That's fine.

PRESIDENT. Well, I'm also concerned about his, about frankly, the, uh, having, having, uh, matters that really are a subject of executive privilege debated publicly, rather— That's a matter that ought to be debated privately.

DEAN. That's right.

PRESIDENT. Uh, other matters, we have no, and, and, and, without, and, and, and, and the fact that it's raised does not indicate guilt. That's part of his argument on Gravel, too. The fact that it's raised does not indicate guilt. That's what we are really talking about here. But having it in public session does, uh, indicate that.

DEAN. Well, I will work out a complete, uh, negotiating scenario and have thought it through before I go up.

HALDEMAN. Really all your, your objective in that meeting is simply to indicate to them a willingness to discuss. It's not

DEAN. That's right.

HALDEMAN. to lay out a proposal

DEAN. I,

HALDEMAN. for them

DEAN. I agree.

HALDEMAN. to accept or reject.

DEAN. I will—

MITCHELL. John, as part of that, as part of the scenario, you want to hold executive session for the protection of those records.

DEAN. Very true. Uh—

PRESIDENT. There, and it's the record for the future. But that's— that maybe you can tell Ervin, maybe on a mountaintop, that, that this is perhaps a good way to set up a procedure where we could do something in the future, and all. You know what I mean?

DEAN. Uh huh.

PRESIDENT. Where future cases of this sort are involved. "We're, we're making a lot of history here, Senator. And, uh—"

MITCHELL. And the Senator can be a great part of it.

PRESIDENT. No, really. We're making a lot of history. And that's it—we're setting a historic precedent. The President, after all, let's point out that the President, uh, how he bitched about the Hiss case. Which is true, I raised holy hell about it.

DEAN. Ervin away from his staff—

PRESIDENT. Huh?

DEAN. Ervin away from his staff is not very much, and I think he might just give up the store himself right there and lock himself in. I, you know, I've dealt with him for a number of years, and have seen that happen and have reached accord with him on legislation.

HALDEMAN. That's another thing, if you don't offer him anything, you may get an offer
DEAN. That's,
HALDEMAN. from him
DEAN. that's right.
HALDEMAN. you can't accept. He'll ask you [unintelligible]
DEAN. That's exactly what he'll do.
PRESIDENT. And if he just takes the adamant—Suppose now he just takes the adamant line? Nothing.
HALDEMAN. Sits there and says,
DEAN. I'll say,
HALDEMAN. "I'll think about that."
DEAN. "That's all right."
PRESIDENT. You could go back—
DEAN. "Doesn't sound like you're interested in information,"
PRESIDENT. Yeah.
DEAN. "it sounds like you're interested in, in fighting"
PRESIDENT. Yeah.
DEAN. "on principle."
PRESIDENT. He says, "Look, we are just going to have public sessions. It's got to be that or else."
EHRLICHMAN. Then, "We've got a law suit Senator and it is going to be a long one."
UNIDENTIFIED. That's right.
MITCHELL. "How can you, you expedite your hearings?"
PRESIDENT. Yeah. "If you want your hearings"—and uh, that's the other thing. The other point is, would it not be helpful to get Baker enlisted somewhat in advance. If that could be done by not begging him [unintelligible]. If we—can we put Kleindienst to that thing?
MITCHELL. On the second step—not on the opening.
PRESIDENT. Well, even on the opening step the problem that I have here, if Baker sits there and just parrots Ervin's adamant thing, saying, "Hell no, there can't be anything except the public sessions," you have nothing to bargain with.
MITCHELL. But Mr. President you know how these Senators act. Baker will lay the whole thing out on the table.
PRESIDENT. Yeah, I guess you are right.
MITCHELL. Including the contempt. They'll be—
PRESIDENT. Baker, on the other hand—Kleindienst should at least talk to him and say "Look Howard, why don't you try to work something out here?" Why couldn't he say that?
HALDEMAN. He could say, "We're going to try—we want to work something out". "Yeah, but then
PRESIDENT. "Glad to work something out."
HALDEMAN. work with us."
PRESIDENT. Yeah.
HALDEMAN. "We're, we're, we're
PRESIDENT. "Now, work, work
HALDEMAN. questioning how you—"
PRESIDENT. with us, but you can't you can't be [unintelligible]. Right now, Howard, right now, Howard, we're just going for a law suit." Uh—

HALDEMAN. "Give us a hand and try to open this up." That's, that's—Baker would be fine that much ahead of time.
PRESIDENT. That's right.
HALDEMAN. Be positive this time around.
DEAN. Don't lock yourself in. You hear every,
HALDEMAN. Right.
DEAN. all—
PRESIDENT. Right.
DEAN. So you have another session or so, on it.
PRESIDENT. Yeah. The other point is that you be reminded so you get to it. Now, just assume, however, it happens so [unintelligible] insists that [unintelligible] you just, then, then, then it becomes essential then to put the Dean report out, it seems to me, and say, and then have the law suit.
EHRLICHMAN. We can say that if he really—I would say, "Well, okay, then, why don't we now discuss how we frame the legal issue here?" And, uh, and uh, "Perhaps we can at least agree on how to frame the legal issues, so that instead of taking three years it will only take a year and a half."
HALDEMAN. Get it settled before this Administration leaves [unintelligible]
DEAN. They know that it's—depending upon who they are going after and the circumstances, that they've got a tough law suit ahead of them.
PRESIDENT. Uh huh.
DEAN. They've got to hire counsel to—
PRESIDENT. Yeah.
DEAN. It's going to cost money to brief it on their side. They don't have the government repre—, you know they don't have the Department of Justice to handle their case; they've got to bring in special counsel who probably knows nothing about executive privilege, has to be educated. Uh, get the Library of Congress clanking away at getting all the precedents out and the like, and—We've got all that. Of course, uh, it's it's a major operation for them to bring in and they have to
EHRLICHMAN. The other way—
DEAN. get a resolution of the Senate to do it, uh—
EHRLICHMAN. Fortunately, Ervin is a Constitutional expert.
HALDEMAN. Yea. He calls himself—
EHRLICHMAN. Self-certified. That's a Constitutional expert—
PRESIDENT. Well, anyway—
EHRLICHMAN. While you do that—
PRESIDENT. the, uh—Now, uh, we could—Have you considered any other poss—, have you considered the other, all other possibilities you see here, John? You, you're the one who is supposed to—
DEAN. That's right. I think we,
PRESIDENT. You know the bodies.
DEAN. I think we've had a good go-round on—

PRESIDENT. You think, you think we want to, want to go this route now? And the—Let it hang out, so to speak?

DEAN. Well, it, it isn't really that—

HALDEMAN. It's a limited hang out.

DEAN. It's a limited hang out.

EHRLICHMAN. It's a modified limited hang out.

PRESIDENT. Well, it's only the questions of the thing hanging out publicly or privately.

DEAN. What it's doing, Mr. President, is getting you up above and away from it. And that's the most important thing.

PRESIDENT. Oh, I know. But I suggested that the other day and we all came down on, uh, remember we came down on, uh, on the negative on it. Now what's changed our mind?

DEAN. The lack of alternatives or a body.

[Laughter.]

EHRLICHMAN. We, we went down every alley. [Laughter] Let it go over.

PRESIDENT. Well, I feel that at, uh, I feel that this is, that, uh, I feel that at the very minimum we've got to have the statement and, uh, let's look at it, whatever the hell it is. If, uh, if it opens up doors, it opens up doors, you know.

EHRLICHMAN. John says he's sorry he sent those burglars in there, and that helps a lot.

PRESIDENT. That's right.

MITCHELL. You are very welcome, sir.

[Laughter.]

HALDEMAN. Just glad the others didn't get caught.

PRESIDENT. Yeah, the ones we sent to Muskie and all the rest; Jackson, and Hubert, and, uh [unintelligible]

EHRLICHMAN. I get a little chill sitting over there in that part of the table there.

PRESIDENT. Yeah [unintelligible]. Getting pr—, I, I, I

EHRLICHMAN. Yeah.

PRESIDENT. I got to handle my Canadian friend

EHRLICHMAN. Right.

PRESIDENT. at the moment. Incidentally, uh, you don't plan to have, uh, you weren't planning to have a press briefing [unintelligible]

EHRLICHMAN. We hadn't planned it. It wouldn't hurt, uh—

PRESIDENT. [Unintelligible] 3:30 with John [unintelligible]. All right.

EHRLICHMAN. He is going to talk to the press tomorrow.

PRESIDENT. Yeah, let's let it go. [Unintelligible]

UNIDENTIFIED. [Unintelligible]

PRESIDENT. Suppose you take it, you take care of it now [unintelligible] and I won't come over there. I—you might, if you get him waltzed around, you let me hear—

EHRLICHMAN. All right.

PRESIDENT. It would be my thought then that I would then break it off at 4:30.

DEAN. All right. Fine.
MITCHELL. Four o'clock will be the minimum [unintelligible]
EHRLICHMAN. I, I think both of you [unintelligible]
PRESIDENT. Yeah, I was thinking that we ought to, uh—yeah, I understand. But, but no, Bob, what time is the—is my take-off scheduled for 4:30 today?
UNIDENTIFIED. 4:30.
HALDEMAN. Yes, sir.
PRESIDENT. Well, we won't, we won't rush. George needs to talk, [unintelligible] get the chance to.
EHRLICHMAN. [Unintelligible]
PRESIDENT. Yeah.
EHRLICHMAN. Three, uh, say fifteen, twenty minutes from now?
PRESIDENT. Sure, sure.
EHRLICHMAN. Okay.

[NOTE.—At this point, a portion of the discussion has been deleted.]

MITCHELL. [Unintelligible]
PRESIDENT. Yeah.
MITCHELL. Believe me, it's a lot of work.
PRESIDENT. Oh, great. I may [unintelligible]. Well, let me tell you, you've done a hell of a job here.
UNIDENTIFIED. [Unintelligible]
PRESIDENT. I didn't mean for you. I thought we had a boy here. No, you, uh, John, uh, carried a very, very heavy load. Uh, both Johns as a matter of fact, but, uh, I was going to say, uh, uh, John Dean is, uh, [unintelligible] got—put the fires out, almost got the damn thing nailed down till past the election and so forth. We all know what it is. Embarrassing God damn thing the way it went, and so forth. But, in my view, uh, some of it will come out; we will survive it. That's the way it is. That's the way you've got to look at it.
DEAN. We were within a few miles months ago, but, uh, we're—
PRESIDENT. The point is, get the God damn thing over with.
DEAN. That's right.
PRESIDENT. That's the thing to do. That's the other thing that I like about this. I'd like to get—But you really would draw the line on—But, I know, we can't make a complete cave and have the people go up there and testify. You would agree on that?
MITCHELL. I agree.
PRESIDENT. You agree on that, John?
DEAN. If we're in the posture of everything short of giving them a public session [unintelligible] and the whole deal. You're not hiding anything.
PRESIDENT. Yeah. Particularly if, particularly if we have the Dean statement.
DEAN. And they've been given out.

PRESIDENT. And your view about the Dean statement is to give that to the Committee and not make it public, however.

DEAN. That's correct, I think that's—

PRESIDENT. And say it's, uh—

MITCHELL. Give it to the Committee for the purpose—

PRESIDENT. —the purpose of their investigation.

MITCHELL. [Unintelligible] to limit the number of witnesses

PRESIDENT. Yeah.

MITCHELL. which are called up there, instead of a buck-shot operation.

PRESIDENT. And say here, and also say, "This may help you in your investigation."

MITCHELL. Right.

PRESIDENT. "This is everything we know, Mr. Senator." That's what I was preparing to say. "This is everything we know; I know nothing more. This is the whole purpose, and that's that. If you need any further information, my, our counsel will furnish it, uh, that is not in here." It'd be tempting to—"But this is all we know. Now, in addition to that, you are welcome to have, have people, but you've got to have—" I think that the best way to have it is in executive session, but incidentally, you say executive session for those out of government as well as in?

MITCHELL. That's right.

PRESIDENT. Chapin and Colson should be called in.

DEAN. [Unintelligible]

PRESIDENT. I would think so.

MITCHELL. Sure. Because you have the same problem.

PRESIDENT. You see we ask—but your point—we ask for, uh, the privilege, and at least, you know, we, we, our statement said it applies to former as well as present [unintelligible]

DEAN. Now, our statement—you leave a lot of flexibility that you normally—for one thing, taking the chance appearing, and uh, however, informal relationships will always be worked out [unintelligible]

PRESIDENT. Informal relations.

DEAN. That's right.

MITCHELL. You have the same basis—

PRESIDENT. Well, it might. When I say that, that, that—the written interrogatory thing is not as clear [unintelligible] maybe Ervin is making it that way, but I think that's based on what maybe, uh, we said that the—I don't think I said we would only write, in, in the press conference, written interrogatories.

DEAN. That's right. I don't think—

PRESIDENT. I didn't say that at all.

DEAN. Ervin just jumped to that conclusion as a result of my letter to, uh—

PRESIDENT. I think that's what it was.

DEAN. I think that's what's happened.

PRESIDENT. Not that your letter was wrong—it was right. But, uh, the whole written interrogatory, we didn't discuss other possibilities.

MITCHELL. With respect to your ex-employees, you have the same problem of getting into areas of privileged communications. You certainly can make a good case for keeping them in executive session.

PRESIDENT. That's right.

MITCHELL. [Unintelligible]

PRESIDENT. And, and in this sense the precedent for working—you can do it in cases in the future, which [unintelligible] executive session, and then the privilege can be raised without having, uh, on a legal basis, without having the guilt by the Fifth Amendment, not like pleading the Fifth Amendment—

MITCHELL. Right.

PRESIDENT. the implication always being raised.

MITCHELL. [Unintelligible] and self-protection in that view?

PRESIDENT. What? Yeah.

DEAN. [Unintelligible] Fifth Amendment.

PRESIDENT. That's right. That's what we're going to do here.

MITCHELL. Those—boy, this thing has to be turned around. Got to get you off the lid.

PRESIDENT. Right.

DEAN. All right.

PRESIDENT. All right, fine, Chuck.

MITCHELL. Good to see you.

PRESIDENT. How long were you in Florida? Just, uh—

MITCHELL. I was down there overnight. I was four hours on the witness stand testifying for the government in these, uh, racket cases involving wiretapping. The Goddamn fool Judge down there let them go all over the lot and ask me any questions that they wanted to. Just ridiculous. You know, this had, all has to do with the discretionary act of signing a piece of paper that I'm authorized by the statute. There were twenty-seven hood lawyers that questioned me.

PRESIDENT. You know, uh, the, uh, you, you can say when I [unintelligible] I was going to say that the, uh—[Picks up phone] Can you get me Prime Minister Trudeau in Canada, please. [Hangs up] I was going to say that Dean has really been, uh, something on this.

MITCHELL. That he has, Mr. President, no question about it, he's a very—

PRESIDENT. Son-of-a-bitching tough thing.

MITCHELL. You've got a very solid guy that's handled some tough things. And, I also want to say these lawyers that you have think very highly of him. I know that John spends his time with certain ones—

PRESIDENT. Dean? Discipline is very high.

MITCHELL. Parkinson, O'Brien.

PRESIDENT. Yes, Dean says it's great. Well, you know I feel for all the people, you know, I mean everybody that's involved. Hell, is all we're doing is their best to [un-

intelligible] and so forth. [Unintelligible]. That's, that's why I can't let you go, go down. John? It's all right. Come in.

DEAN. Uh—

PRESIDENT. Did you find out anything?

DEAN. I was, I went over to Ziegler's office. They have an office over there. Paul O'Brien'll be down here in a little while to see you. I'm going over to Ziegler's office and finish this up now.

MITCHELL. Are you coming back?

DEAN. Yes, I'll come back over here then.

MITCHELL. Okay.

PRESIDENT. Yeah. Well, when you come back—he can, uh, is that office open for John now?

DEAN. Yes.

PRESIDENT. Then he can go over there as soon [unintelligible] this. But, uh, the, uh, the one thing I don't want to do is to— Now let me make this clear. I, I, I thought it was, uh, very, uh, very cruel thing as it turned out—although at the time I had to tell [unintelligible]—what happened to Adams. I don't want it to happen with Watergate—the Watergate matter. I think he made a, made a mistake, but he shouldn't have been sacked, he shouldn't have been—And, uh, for that reason, I am perfectly willing to— I don't give a shit what happens. I want you all to stonewall it, let them plead the Fifth Amendment, cover-up or anything else, if it'll save it—save the plan. That's the whole point. On the other hand, uh, uh, I would prefer, as I said to you, that you do it the other way. And I would particularly prefer to do it that other way if it's going to come out that way anyway. And that my view, that, uh, with the number of jackass people that they've got that they can call, they're going to— The story they get out through leaks, charges, and so forth, and innuendos, will be a hell of a lot worse than the story they're going to get out by just letting it out there.

MITCHELL. Well—

PRESIDENT. I don't know. But that's, uh, you know, up to this point, the whole theory has been containment, as you know, John.

MITCHELL. Yeah.

PRESIDENT. And now, now we're shifting. As far as I'm concerned, actually from a personal standpoint, if you weren't making a personal sacrifice—it's unfair—Haldeman and Dean. That's what Eisenhower—that's all he cared about. He only cared about—Christ, "Be sure he was clean." Both in the fund thing and the Adams thing. But I don't look at it that way. And I just—That's the thing I am really concerned with. We're going to protect our people, if we can.

MITCHELL. Well, the important thing is to get you up above it for this first operation. And then to see where the chips fall and, uh, and, uh, get through this Grand Jury thing up here. Uh, then the Committee is another question. [Telephone rings] What we ought to have is a reading as to what is [telephone rings] coming out of this Committee and we, if we handle the cards as it progresses. [Telephone rings]

PRESIDENT. Yeah. But anyway, we'll go on. And, uh, I think in order—it'll probably turn just as well, getting them in the position of, even though it hurts for a little while.

MITCHELL. Yeah.

PRESIDENT. You know what I mean. People say, "Well, the President's [unintelligible]," and so forth. Nothing is lasting. You know people get so disturbed about [unintelligible]. Now, when we do move [unintelligible] we can move, in a, in a, in a, in the proper way.

MITCHELL. If you can do it in a controlled way it would help and good, but, but, but the other thing you have to remember is that this stuff is going to come out of that Committee, whether—

PRESIDENT. That's right.

MITCHELL. And it's going to come out no matter what.

PRESIDENT. As if, as if I, and then it looks like I tried to keep it from coming out.

MITCHELL. That's why it's important that that statement go up to the Committee.

PRESIDENT. [Picks up phone.] Hello. I don't want to talk. Sure. [Hangs Up.] Christ. Sure, we'll—

MITCHELL. It's like these Gray, Gray hearings. They had it five days running that the files were turned over to John Dean, just five days running—the same story.

PRESIDENT. Same story.

MITCHELL. Right.

PRESIDENT. The files should have been turned over.

MITCHELL. Just should have, should have demanded them. You should have demanded all of them.

PRESIDENT. [Unintelligible] what the hell was he doing as counsel to the President without getting them? He was—I told him to conduct an investigation, and he did.

MITCHELL. I know.

PRESIDENT. Well, it's like everything else.

MITCHELL. Anything else for us to—

PRESIDENT. Get on that other thing. If Baker can—Baker is not proving much of a reed up to this point. He's smart enough.

MITCHELL. Howard is smart enough, but, uh, we've got to carry him. Uh, I think he has and I've been puzzling over a way to have a liaison with him and, and, uh—

PRESIDENT. He won't talk on the phone with anybody according to Kleindienst. He thinks his phone is tapped.

MITCHELL. He does?

PRESIDENT. Who's tapping his phone?

MITCHELL. I don't know.

PRESIDENT. Who would he think, who would he think would tap his phone? I guess maybe that we would.

MITCHELL. I don't doubt that.

PRESIDENT. He must think that Ervin—

MITCHELL. Maybe.

PRESIDENT. Or, or a newspaper.

MITCHELL. Newspaper, or, or the Democratic Party, or somebody. There's got to be somebody to liaison with Kliendienst to get in a position where—It's all right from foreknowledge through Kliendienst.

PRESIDENT. You really wonder if you take Wally Johnson and, uh—He's a pretty good boy, isn't he?

MITCHELL. Yeah. [Unintelligible]

PRESIDENT. You might, you might throw that out to Dean. Dean says he doesn't want to be in such a, such a public position. He talked to the Attorney General [unintelligible] Wally Johnson. And he said that—

MITCHELL. Well, he will be in the Department,

PRESIDENT. Yeah.

MITCHELL. talking to the Department.

PRESIDENT. [Unintelligible] Mansfield's down there—

MITCHELL. Everything else under control?

PRESIDENT. Yeah, we're all doing fine. I think, though, that as long as, uh, everyone and so forth is a, uh—[unintelligible] still [unintelligible]

MITCHELL. All of Washington—the public interest in this thing, you know.

PRESIDENT. Isn't Nash, [unintelligible] Earl Nash worries the shit out of us here in regard, regarding [unintelligible]

MITCHELL. Just in time.

PRESIDENT. But the point is that, uh, I don't—There's no need for him to testify. I have nothing but intuition, but hell, I don't know. I, but—Again you really have to protect the Presidency, too. That's the point.

MITCHELL. Well this does no violence to the Presidency at all, this concept—

PRESIDENT. The whole scenario.

MITCHELL. Yeah.

PRESIDENT. No, it, uh, uh, d—, that's what I mean. The purpose of this scenario is to clean the Presidency. [Unintelligible] what they say "All right. Here's the report, we're going to cooperate with the Committee," and so forth and so on. The main thing is to answer [unintelligible] and that should be a God damned satisfactory answer, John.

MITCHELL. It should be.

PRESIDENT. Shouldn't it.

MITCHELL. It answers all of their complaints they've had to date.

PRESIDENT. That's right. They get cross-examination.

MITCHELL. Right. They get everything but the public spectacle.

PRESIDENT. Public spectacle. And the reason we don't have that is because you have to argue

MITCHELL. They have to argue and—

PRESIDENT. on a legal and you don't want them to be, uh, used as a, uh, uh, for unfairly, to, to have somebody charged.

MITCHELL. It's our fault that you have somebody charged with not answering the Committee's questions [unintelligible] to John, make sure you put it in, make sure that you put it again in the argument, the clean record, and that's the reason why you have an executive session. Because the record that comes out of it is clean. But, uh, in areas of dispute—

PRESIDENT. I'd rather think, though, that all of their yakking about this, uh, we often said, John—we've got problems.

MITCHELL. [Unintelligible]

PRESIDENT. Might cost them [unintelligible]. Think of their problems. They, those bastards are really—they're just really something. Where is their leadership?

MITCHELL. They don't have any leadership, and they're leaping on every new issue.

NOTE: At this point a portion of the discussion has been deleted.

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A RECORDING OF A MEETING BETWEEN THE PRESIDENT AND JOHN DEAN ON APRIL 16, 1973, FROM 10:00 TO 10:40 A.M.

PRESIDENT. Hi John, how are you?

DEAN. Good morning. Good morning.

PRESIDENT. Sit down. Sit down. Trying to get my remarks ready to [unintelligible] the building trades.

DEAN. So I understand.

PRESIDENT. Yes, indeed, yeah. You know, I was thinking we ought to get the odds and ends, uh [unintelligible] we talked, and, uh, it was confirmed that—you remember we talked about resignations and so forth and so on—that I should have in hand, not to be released,

DEAN. Uh huh.

PRESIDENT. but I should have in hand something, or otherwise they'll say, "What the hell did you—after Mr. Dean told you all of this, what did you do?" You see what I mean?

DEAN. Uh huh.

PRESIDENT. Now I talked to Petersen, uh, about, uh, about the thing, and I said, "Now, uh, what do you want to do about, uh, about this situation on Dean, and so forth?" And he said, "Well," he said, "I," he said, "I would do n—, I, I don't want to announce anything now." You know what I mean?

DEAN. Uh huh.

PRESIDENT. But what is your feeling on that?

DEAN. [Clears throat]

PRESIDENT. See what I mean?

DEAN. Are we talking Dean, or are we talking Dean, Ehrlichman and Haldeman?

PRESIDENT. Well, I'm talking Dean

DEAN. Dean.

PRESIDENT. at this moment.

DEAN. All right.

PRESIDENT. Dean at this moment, because you're going to be, uh, you, you're going to be doing it. I'll have to handle them, also. But, the point is, what's your advice that we—You see, the point is, we, we don't have—I just, I just got it, I just typed up a couple, just to have here which I'd be willing to put out. You know,

DEAN. Uh huh.

PRESIDENT. in the event that, uh, certain things occurred.

DEAN. I understand.

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PRESIDENT. But you see, put the, uh, the, put, just putting the—you don't want to put any lies into it. Uh [unintelligible]. What's your advice?

DEAN. I think, I think it'd be the—good to have it on hand.

PRESIDENT. Yeah.

DEAN. I would think, to be very honest with you—

PRESIDENT. Have those others, too?

DEAN. Have those others, also.

PRESIDENT. Yeah, yeah. I will. Well as a matter of fact, they both su—, suggested it for themselves.

DEAN. Uh huh.

PRESIDENT. So I got that, uh—I am sorry, Steve, I hit the wrong bell.

DEAN. [Laughs]

PRESIDENT. So I've already done that with them.

DEAN. All right.

PRESIDENT. So, they said, "Look, uh, they're ready any time you want them." I've got that. Now I want to get your advice on that, too. So what I would, now what I would think we want to do, we should have it in two different forms, here. We should have it—and I, would like to discuss with you the forms. It seems to me that your, the form should be, uh, uh, request an immediate indefinite leave of absence. That'd be one thing. And the other, of course, would be, uh, just a straight resignation.

DEAN. Uh huh.

PRESIDENT. Uh, first, uh, what I would suggest is that you sign both. That's what I had in mind. And then we'll talk about after, uh, because you don't know yet what you're going—For example, you could go in and plead guilty. You'd have to resign.

DEAN. That's right.

PRESIDENT. If, on the other hand, you're going in, uh, on a, some other basis, then I think a leave of obsence is then

DEAN. Uh huh.

PRESIDENT. the proper thing to do.

DEAN. I would think so.

PRESIDENT. And, uh, that's the way I would discuss it with, uh, with others, too. But if you have any other thoughts, let me know. I'm not trying to press you on a thing. Just, I just want to be sure, John, you've got the record, that you're, you're, uh, so that I've done everything that I [clears throat] [unintelligible]. Do you agree?

DEAN. Uh, I, I think it's a good idea. I frankly do.

PRESIDENT. Yeah.

DEAN. But, uh, I think if you do it for, for one—I think you have problems with others too, Mr. President.

PRESIDENT. I already have done that with others.

DEAN. Yeah. All right. That's what I've been trying to advise you that, you know—

PRESIDENT. But on theirs, on theirs, on theirs, both the, uh, uh, pending the, uh—It, it is all pending their appearance, and so forth. Just as it is in yours. Nothing's going to be said.

DEAN. Uh huh.

PRESIDENT. But I've got to have it in hand. You see what I mean? I mean, my, my reason, as I told them—As a matter of fact, after our talk last night, I told them, I said, "We, I've got to have it in hand so that I can move on this, if, uh, as Petersen is going to report to me every day." You see?

DEAN. Uh huh.

PRESIDENT. I said, "Now, Petersen," I said, "if you get this stuff confirmed," I said, "I need to know." And he said, "Well, I, uh—" 'cause I asked him, I asked him specifically, I said, "What, what are you, uh, what, uh, what are you going to do?" He says, "Well, LaRue is going to be today." And, I don't know who else. Strachan's going to be today. There are three today I think. I don't know. Who's the third one?

DEAN. I don't know.

PRESIDENT. That's right. You're not supposed to.

[Laughter.]

PRESIDENT. Uh, then, okay.

DEAN. What I would like to do is, is to draft up for you an alternative letter. Put it in both options and you can just put them in the file.

PRESIDENT. Uh huh.

DEAN. Uh, just short and, and sweet.

PRESIDENT. Uh huh. All right. Fine. I had, I had dictated something myself, on my own, which I just, which is, which is, uh [unintellibigle] how this—But you don't have to. If you can give me a better form, fine. I want you to do it either way. Do you, uh, or do you want to just prepare something?

DEAN. I'd like to prepare something.

PRESIDENT. Good. All right. Fine. Why don't you take this? And, uh, take those, just as an

DEAN. Sure.

PRESIDENT. idea, and have something that, uh—I've got to see Petersen at 1:30.

DEAN. All right.

PRESIDENT. Understand, I don't want it s— put anything out, because I don't want to jeopardize your position at, at all. You've got a right to, just as everybody else has, to, to—let's say you've been—you've carried a hell of a load here and I—But I just feel that since what you said last night that we've got to do on this and with, uh, Haldeman and Ehrlichman—I have, I have leave of absences from them. Which, however, I will not use until I get the word from Petersen on corroboration.

DEAN. All right.

PRESIDENT. which he, which he advised himself. I talked to him after I talked to you. Left about 11:45. I told the son-of-a-bitch, he doesn't know how hard we work around here.

DEAN. And you will have something, uh, uh, within a couple of hours.

PRESIDENT. Well, I,

DEAN. You think just put it in the file?

PRESIDENT. I won't be back, I won't be back, uh. Yeah. You, you can, uh, you draft what you want me to—in other words—

DEAN. And if you don't like what I draft, tell me and I will change it in any way

PRESIDENT. Oh, sure, sure.

DEAN. that you want.

PRESIDENT. But I can't make a decision

DEAN. Yes sir.

PRESIDENT. of course you see—And, and also, it may, it may depend—Well, put it this way, put it this way, you draft what you, what you want. And we can, uh, if I have any concerns about it, I'll give you a ring. You can, uh, be around, and so forth.

DEAN. Uh huh.

PRESIDENT. And, uh, but, but, you would agree you should—but nothing should be put out now. Right?

DEAN. I would agree. I was, I was thinking about that.

PRESIDENT. You see, we've got the problem—today the thing may break. You know, with Magruder, uh, and so forth. And, uh, I'm, uh, I—You know what I mean. That's what I wanted to run over with you, briefly, as to, you know, to get your feeling again as to how we handle it, how we—You know, you, you were saying the President should stay ahe—, one step ahead of this thing. Well, we've got, uh—The point is, the only problem is what the hell can I say publicly? Now, here's what we've done.

DEAN. Well, you see—

PRESIDENT. I called in—I got in Kleindienst. Uh, we're—I've been working on it all week.

DEAN. Right.

PRESIDENT. Actually, I mean I got, as soon as I got the Magruder thing, then I, I got in Kleindienst, and, uh, then at four o'clock we got in, uh, sold uh, Petersen. Kleindienst withdrew, uh, and, uh, uh, assigned Petersen. I said, "All right, Henry, I don't want to talk to Kleindienst anymore about this case. I'm just going to talk to you."

DEAN. Uh huh.

PRESIDENT. "You're in charge. You follow through and you're going through to get to the bottom of this thing and I am going to let the chips fall where they may." And we covered that all the way down the line. Now, I

have to follow him to a certain extent on the prosecution side. On the other hand, on the PR side, I sure as hell am not going to let the Justice Department step out there

DEAN. Right.

PRESIDENT. and say, "Look, we dragged the White House in here." I've got to step out and do it, John.

DEAN. That's right.

PRESIDENT. Don't you agree?

DEAN. That's right. Uh—

PRESIDENT. But yet, I don't want to walk out and say, "I—Look, John Dean's resignation has been accepted." Jesus Christ, that isn't fair.

DEAN. Nor would it be fair to say Ehr—, Ehrlichman and Haldeman's have.

PRESIDENT. Yeah. What—

DEAN. You know, I, I've already examined—

PRESIDENT. [Unintelligible] because you see they haven't been charged yet. As soon as they're charged [unintelligible]. But see he's—But in your case, is you haven't been charged with anything yet—

DEAN. No, I have not.

PRESIDENT. That's my problem, see with it—

DEAN. Uh—

PRESIDENT. All I wanted is to have on—The only reason I'm doing this is to, uh, because of you, what you said about some, what you said about them, and that's why I'm getting it from them too.

DEAN. Well, it's a, there's a chance, uh, uh—Well, there's a chance that today when LaRue goes down that Haldeman and Ehrlichman's name are going to be right down there before the Grand Jury.

PRESIDENT. Right. Well, the name will be in, but the point is, you don't just throw somebody out because of a name lying in court.

DEAN. I, I understand.

PRESIDENT. You understand. Uh, would you, you could also, if you would, here's, uh, and I would like for you to prepare this in a letter that you would have for Ehrlichman and Haldeman. Would you do that too?

DEAN. Yes sir.

PRESIDENT. And then I'll give them the form and let them work out their—something that's appropriate. Would you prepare that for me, then?

DEAN. Yes, I will.

PRESIDENT. But they told me last night, orally, just as you did, that, uh—

DEAN. They stand ready.

PRESIDENT. Cover the record. They said, "Look, we will leave in a minute. We'll leave today. You can do whatever you want." And I said, "What the hell, we're going to have to wait until we get some evidence." You know what I mean?

DEAN. Uh huh.
PRESIDENT. Which I think you agree with.
DEAN. I—That's what I do, and the question is timing, and, uh—
PRESIDENT. Yeah.
DEAN. Uh—
PRESIDENT. Now, let's get Dean's advice as to how we handle this now, from, uh, now on. What is your, what's your advice?
DEAN. Well, I would say you should have the letters in hand and, then
PRESIDENT. Right.
DEAN. based on what you learn from Petersen, you can make a judgment as to timing. I mean, I think you're still five steps ahead of what will ever emerge publicly. I don't think they—
PRESIDENT. They think in twelve hours it may break, somebody told me the news—the Post's, according to Ziegler, has got something now on this. Magruder talking around and everything. I don't know.
DEAN. Well, I know, I know what—some of the things Magruder said. He said that, uh, that the prosecutors had asked him a number of questions about Ehrlichman and Haldeman. So there's no, there's no doubt that that's going to be out on the, uh,
PRESIDENT. Yeah.
DEAN. the street fast also.
PRESIDENT. Well, then we ought to move on that too.
DEAN. Uh huh.
PRESIDENT. That's my point. You see—
DEAN. It's unfortunate that I, you know, I'm hoping that the ultimate resolution of this thing is that no one has any problems. And that's possible,
PRESIDENT. Legally.
DEAN. legally.
PRESIDENT. That's right. Which I hope is your case, too. In other words, when I say no one, nobody at the White House staff—not you, not Colson, not Ehrlichman, not Haldeman, because God damn it—Let me, let me, let me summarize this specific point again, because I need to, uh, you know, they, we know there was no—on the Dean report. Ziegler has always said it was oral.
DEAN. That's right.
PRESIDENT. Right. But you remember when you came in, I asked you the specific question: "Is anybody on the White House Staff involved?" You told me "No."
DEAN. That's right. And I have no knowledge—
PRESIDENT. You still believe that?
DEAN. Yes sir, I do.
PRESIDENT. Yeah. But you did tell me that in the aftermath there were serious problems.
DEAN. That's right.
PRESIDENT. Right. And, I said, "Well, let's see what they are." Right?

DEAN. And now you're beginning to see what they are. They're potential, technical, obstruction of justice problems.

PRESIDENT. Sure. But not necessarily.

DEAN. [Unintelligible]

PRESIDENT. Well, I talked to Petersen last night and he made exactly the same point. He says the obstruction was morally wrong. No, not morally. He said, it may not have been morally wrong, and it may not be legally wrong, but he said from the standpoint of the Presidency, you can't have it. That's what his point was. So he, he seems to think that this, uh, that the obstruction of justice thing is a God damn hard thing to prove.

DEAN. That's right.

PRESIDENT. To prove in court, which I, I think should be some comfort to you.

DEAN. Well, my lawyer tells me that, you know, "Legally, you're in, you're in damn good shape."

PRESIDENT. Is that right?

DEAN. That's right.

PRESIDENT. Because, uh, you're not—

DEAN. That's right. It's, it's a—

PRESIDENT. You were simply helping the defendants get their fees and their—

DEAN. Well—

PRESIDENT. Huh? What does he say?

DEAN. In that, in that position, I'm merely a conduit. Uh, it's very technical, very technical. I am a conduit to other people. That is the problem.

PRESIDENT. Uh huh. What was the situation, John? This—The only time I ever heard any discussion of, uh, this supporting of the defendants—and I must say I, I guess I should have assumed somebody was helping them, I must have assumed it, but, uh, and, and I must say people were good in a way, I, I was busy—was when you mentioned to me some, something, about the, I mean, I think the last time we talked about Hal, uh, Hunt having a problem.

DEAN. Well—

PRESIDENT. But that, and that was, then we, but that was handled at, by Mitchell. Was that true or what the hell happened?

DEAN. That's, that's—The last time we had a request was the, was

PRESIDENT. How did it work out? Did you—?

DEAN. the Monday before sentencing.

PRESIDENT. He hit you with a, uh, uh,

DEAN. No.

PRESIDENT. at a dinner or something?

DEAN. No, no. O'Brien, who was one of the lawyers who was representing the Re-election Committee, was asked by Hunt to meet with him. He came to me after the

meeting and said that, "Hunt asked the following message be passed to you." And I said, "Why me?" He said, "I asked Hunt the same question."

PRESIDENT. To you, Dean, or to me, the President?

DEAN. Asked of me,

PRESIDENT. Oh.

DEAN. Dean.

PRESIDENT. Oh yeah.

DEAN. It's the first time I'd ever heard anything like this. And I said, uh—

PRESIDENT. He had never asked

DEAN. No.

PRESIDENT. you before.

DEAN. No. Uh—

PRESIDENT. Let me tell you. What did you report to me on it, though? I—It was rather fragmentary, as I recall it. You said,

DEAN. Right.

PRESIDENT. "Hunt had a problem," and, uh—

DEAN. Very fragmentary. I was, I—

PRESIDENT. Yeah, but that's not the thing. I, I said, "What, what—John, what's it going to cost to do this?" Uh, that's when I sent you to Camp—and said, "Well, for God's sake, let's see where this thing comes out."

DEAN. That's right.

PRESIDENT. And you said it'd cost a million dollars.

DEAN. I said, "It," you know, "it conceivably could, and the way this," I said, "If we don't cut this thing—"

PRESIDENT. Exactly.

DEAN. Uh, anyway—

PRESIDENT. But that's the only conversation we had. Where—How was that handled? Who the hell handled that, that money?

DEAN. Uh, well, let me tell you the rest—what, what Hunt said. He said, "You tell Dean that I need seventy-two thousand dollars for my personal expenses, fifty thousand dollars for my legal fees."

PRESIDENT. Uh huh.

DEAN. "If I don't get it, I'm going to have some things to say about the seamy things I did at the White House for John Ehrlichman."

PRESIDENT. Uh huh.

DEAN. All right. I took that to Ehrlichman. Ehrlichman said, uh, "Have you talked to Mitchell about it?" I said, "No, I have not." Uh, he said, "Well, will you talk to Mitchell?" I said, "Yes, I will." I talked to Mitchell. I just passed it along to him. And then there was a meeting down here a few days later in, in Bob's office with Bob and Ehrlichman and Mitchell and myself. And, uh, Ehrlichman said at that time, he said, "Well is that problem with Hunt straightened out?" He said it to me and I said, "Well, ask the man who may know: Mitchell." And Mitchell said, "I think that problem is solved."

PRESIDENT. That's all?

DEAN. That's all he said.

PRESIDENT. Right. That's good. In other words, that was done at the Mitchell level?

DEAN. That's right.

PRESIDENT. But, you had knowledge; Haldeman had a lot of knowledge; and Ehrlichman had knowledge.

DEAN. Right.

PRESIDENT. And I suppose I did. I mean, I am planning to assume some culpability on that [unintelligible]

DEAN. I don't think so.

PRESIDENT. Why not?

DEAN. Uh—

PRESIDENT. I plan to be tough on myself as I am on the other thing, though, I, I must say I didn't really give it a thought at the time because I didn't know, uh—

DEAN. No one gave it a thought.

PRESIDENT. You did. You did.

DEAN. No one—

PRESIDENT. You didn't tell me this about Ehrlichman, for example. When you came in on that day

DEAN. I know.

PRESIDENT. You simply said, "Hunt needs this money." And you were using it as an example of the problems ahead.

DEAN. I, I have tried, uh, all along to make sure that anything I passed to you myself didn't cause you any personal problems.

PRESIDENT. John, let me ask you this. Let us suppose if this thing breaks and they ask you, John Dean: "Now, John you were the President's Counsel. Did you report things to the President? What did you report to the President?"

DEAN. I, I would, I would refuse to answer any questions as to anything—

PRESIDENT. No, no, no, no, uh, no—I think you should—Let me ask you this.

DEAN. Unless you waive—

PRESIDENT. Let me say, on this point, I would, uh, would not waive. You could say, "I reported to the President". Uh, that "The President called me in." I mean, "The President has authorized me to say—He called me in, and, uh, and, uh, asked me—"

DEAN. Uh huh.

PRESIDENT. Uh, make that, that before, that when the event first occurred, you conducted an investigation and passed to the President the message: "No White House personnel, according to your investigation, was involved." You did do that, didn't you?

DEAN. I did that through Ehrlichman and Haldeman.

PRESIDENT. That's it. You did do that.

DEAN. If I'm under oath, now, I'm, I'm going to have to say I did that through Ehrlichman and Haldeman.

PRESIDENT. No. But I know you did that. I didn't see you.

DEAN. That's right.

PRESIDENT. Remember I didn't see you until after the election.

DEAN. That's right.

PRESIDENT. But you see—all right. Now, but then you say, "And then, after the election, the President, when the McCord thing broke, called you in." I think that's when it was, wasn't it?

DEAN. No, uh—

PRESIDENT. After the McCord thing.

DEAN. No. It was before the McCord thing because you remember you told me after the Friday morning that McCord's letter—

PRESIDENT. Uh huh.

DEAN. He said, "He predicted this. This was going to happen." Because I had, oh, in, in about the week, uh, or two weeks—

PRESIDENT. How did it—Why did I get you in there? What, what triggered me getting you in?

DEAN. Well, we just started, we just started talking about this thing, and—

PRESIDENT. But I called you in, you and Moore together, didn't I?

DEAN. Well—

PRESIDENT. For a Dean Report.

DEAN. On, uh, on, uh, Wednesday morning—

PRESIDENT. Because, what was—well, I know what was involved. What was involved was the damned executive privilege and all that crap.

DEAN. That's right. It was—The Gray things were popping, but on the,

PRESIDENT. Yeah.

DEAN. the Wednesday morning before I asked—

PRESIDENT. We had three conversations to my recollection.

DEAN. Oh, sir, I think we had more than that, but, of course, we'd have, uh, we'd have a record of that through

PRESIDENT. Yeah.

DEAN. those people. I think we had more than that. But the, the one report where I finally—I called Bob—

PRESIDENT. [Unintelligible] this office. Good.

DEAN. Yeah. I called Bob and I said, I said, "Bob", I said, "I don't think the President has all the facts."

PRESIDENT. That's right. And then you came and sat in this chair and that's the first time that I realized the thing.

DEAN. That's right.

PRESIDENT. And what—And now the question is: "Well, Mr. Dean, why didn't you tell the President before?" And your answer there is—

DEAN. I didn't know. That is absolutely correct.

PRESIDENT. That's what you told me last time. You see, I don't want you, John, to be in a position, and frankly I don't want the President to be in a position where one of his trusted people had information that he did keep, kept from him. So I just want—

DEAN. I did not know.

PRESIDENT. Fine. You did not know. "How did you find out then?" they'll ask. Okay. But you—that's your—but you can handle that.

DEAN. That's right.

PRESIDENT. But I, but, but I did ask you and I think, I think you should say the President has authorized you to say this: "I won't reveal the conversation with the President, but he's—and, uh, he asked me this question. I told him this, and he, uh, uh, that nobody in the White House was involved. And then, in addition to that, that I, I, uh, to the best of my ability kept, uh—" I guess—or what do you think you ought to handle with the Presidential things?

DEAN. Well,

PRESIDENT. Maybe you better—

DEAN. I, I, I think, the less said about—

PRESIDENT. All right. Fine.

DEAN. I think that's privileged, and I think [unintelligible]

PRESIDENT. Except, except that if you do this—

DEAN. I think you say anything you want to say about it.

PRESIDENT. Right. But I have to say it. Well, let me tell you, I am going to handle that properly and I just want to be sure that it, that it, it jibes with the facts. I can say that you did tell me that nobody in the White House was involved and I can say that you then came in, at your request, and said, "I think the President needs to hear more about this case."

DEAN. That's right.

PRESIDENT. And it was that time that I started my investigation.

DEAN. That's right.

PRESIDENT. Correct?

DEAN. That was the Wednesday before they were sentenced. Now, I can get that date. I don't have it off the top—

PRESIDENT. Would you do me this? Get your chronology of that Wednesday you came in and told me. That would be helpful for me to have.

DEAN. That's what I had in mind—

PRESIDENT. You see, I want to—

DEAN. [Unintelligible]

PRESIDENT. You see, I—That's when I became interested. I was—I became frankly interested in the case and I said, "Now God damn it, I want to find out the score." And I set in motion Ehrlichman, Mitchell and a few of—not Mitchell, but others. Okay.

DEAN. Sure.

PRESIDENT. One other thing. On the privilege thing, I think, uh—Nothing, so that you could be sure, that, you know, nothing is privileged that involves wrongdoing

DEAN. That's correct.

PRESIDENT. on your part or wrongdoing on the part of anybody else. I, I, I'm telling you that now and I want you to s—, when you testify, if you do, to say that the President has told you that. Would you do that?

DEAN. Yes, sir.
PRESIDENT. Would you agree with that?
DEAN. I do.
PRESIDENT. Fine. However, let me say that, uh, with regard to, with regard to what we call the electronic, uh, stuff they heard in what I have now have found is in the leak area, national security area, uh, that I consider privileged.
DEAN. I do too.
PRESIDENT. And I think you should say, for example, on that—But what I meant is, uh, uh, I would, uh, I think in, in the case of the, of the Kraft stuff, what the FBI did, they were both, I find—I've checked it back—there were some done, some done through, uh, private sources. Most of it was done through the Bureau after we got going.
DEAN. That's right.
PRESIDENT. Hoover didn't want to do, uh, to do Kraft. But what it involved, John, apparently was this: there were leaks in the NSC. They were in Kraft and other columns. We were trying to plug the leaks.
DEAN. Right.
PRESIDENT. And we had that, so we checked it out. Finally, we turned it over to Hoover. Then when the hullabaloo developed we didn't we just stopped it altogether.
DEAN. I understand.
PRESIDENT. And that includes [unintelligible]. But in my, uh, view I consider that privileged.
DEAN. I have no intention of raising that in any—
PRESIDENT. Have you informed your lawyers about that?
DEAN. No.
PRESIDENT. I think you should not. Understand, not because of cutting anything, except that I do think it's privileged. But it's up to, up to you, I mean, I—
DEAN. No. I think it is privileged, also.
PRESIDENT. Yeah. It's important to know, and this was necessary to use. We had Hoover do a little bit, and in control, as Lyndon Johnson [unintelligible] better. Uh, now, your, your guess as when—well, I'll ask Petersen today—when will you be called? Perhaps Tuesday, Wednesday, or—
DEAN. I would think sometime this week.
PRESIDENT. You don't think the thing is likely to break today, then, huh?
DEAN. No, I don't.
PRESIDENT. I wonder what Ziegler's got. He must have—He seems, he seems to think that something's going to go. He hasn't been in to see me. I'll have to get him in later. But, uh, well, I'll have him make—I'll ask Petersen.
DEAN. Uh huh.
PRESIDENT. Petersen. But don't you agree with me
DEAN. I don't think—

PRESIDENT. that the President should make the first announcement and not the Justice Department?

DEAN. Yes, I do.

PRESIDENT. [Unintelligible]

DEAN. [Unintelligible] on his own staff.

PRESIDENT. Uh?

DEAN. On his own staff.

PRESIDENT. Oh, hell, I'm going to make the announcement with regard to Magruder, too. God damn it, it's our campaign. I'm not going to have the Justice Department—

DEAN. Oh, I see what you mean.

PRESIDENT. We triggered this whole thing. You know what I mean?

DEAN. That's right.

PRESIDENT. Don't you agree?

DEAN. Well, if, if, if, if—When the—

PRESIDENT. You helped trigger it.

DEAN. When history is written, you'll, and you put the pieces back together, you'll see why it happened. It's because I triggered it. I, I put everybody's feet to the fire because it just had to stop.

PRESIDENT. That's right. And you put—

DEAN. And I still continue to feel that, uh—

PRESIDENT. That's right. You put Magruder's feet to the fire.

DEAN. Yes, I did.

PRESIDENT. Where did you see Magruder? Uh—

DEAN. I didn't. I sent—In fact, I refused to see him. That was one of the problems.

PRESIDENT. Oh. And that's why he—

DEAN. I started, I talked to him. I, I met with him in, in one of these outer offices out here at a meeting.

PRESIDENT. What got Magruder to talk?

DEAN. Uh—

PRESIDENT. I would like to take the credit.

DEAN. Because, because, well, uh, [laughs] he knew that—

PRESIDENT. I thought—I was hoping that you had seen him, because, uh—

DEAN. There was—Well, he was, he was told, he was told (1) that, you know, there was going to be no chance—

PRESIDENT. You remember, though, when you made the statement about, uh, just making a note here about drawing the wagons up around the White House. Uh, based uh, basically you thought the primary [unintelligible]—this was talking about pre—

DEAN. Pre—

PRESIDENT. knowledge—was all in the Committee. Right?

DEAN. That's right. Where it is.

PRESIDENT. That's right. But on Magruder, come again. What's the deal, deal there?

DEAN. Uh, the, uh, uh, situation there is that he and Mitchell were continuing to talk, continuing to talk about proceeding along the same course they'd been pro-

ceeding to, to lock in their story, but my story did not fit with their story. And I just told them I refused to change, to alter my testimony, other than, than to repeat it just as I knew it.

PRESIDENT. When?

DEAN. This had to do with a number of meetings in the Department of Justice.

PRESIDENT. Incidentally I heard this [unintelligible], but I, I remember. You told me this. Everybody tells me that you said, Dean said, "I will not go to the—I am not going down there and lie," because you said you, your hand will shake and your emotion—Remember you told me that?

DEAN. Yeah. No way I could. I'm incapable of it.

PRESIDENT. Fine. Thank God, John. Don't ever do it, John. I want you to tell the truth. That's the thing that you're going to—I have told everybody around here, said, "God damn it, tell the truth." 'Cause all they do, John, is compound it.

DEAN. That's right.

PRESIDENT. That son-of-a-bitch Hiss would be free today if he hadn't lied about his espionage. He could have just said he—he didn't even have to. He could've just said, "I—look, I knew, Chambers. And, yes, as a young man I was involved with some Communist activities but I broke it off many years ago." And Chambers would have dropped it.

DEAN. Well—

PRESIDENT. But, the son-of-a-bitch lied, and he goes to jail for the lie rather than the crime.

DEAN. Uh—

PRESIDENT. So believe me, don't ever lie with these bastards.

DEAN. The, the truth always emerges.

PRESIDENT. We know that.

DEAN. It always does.

PRESIDENT. Also, there is a question of right and wrong, too.

DEAN. That's right.

PRESIDENT. What is right and what is wrong.

DEAN. That's right.

PRESIDENT. Perhaps there are gray areas, but you're right to, to get it out now.

DEAN. Uh—

PRESIDENT. I'm sure. On Liddy, I wanted to be sure that I, that you recall, on our conversation, I, uh—You asked me to do something. I've left it with Petersen now. He said he'd handle it. Uh, that's the proper place—

DEAN. That's right.

PRESIDENT. You see, when Liddy says he can't talk unless he hears from higher authority—I am not his higher authority.

DEAN. No.

PRESIDENT. It's Mitchell.

DEAN. Well, but I think he's looking for the ultimate—

PRESIDENT. What do you think he's thinking about?

DEAN. I think he's thinking about the President.

PRESIDENT. Clemency?

DEAN. He thinks—he has the impression that you and Mitchell probably talk on the telephone daily about this.

PRESIDENT. You know we've never talked about it.

DEAN. I understand that.

PRESIDENT. I have never talked to Mitchell about this. Oh, except about when, whether we go, uh, the executive privilege thing.

DEAN. Right.

PRESIDENT. He came in and said, "Everybody should testify in executive session." Mitchell said that. Except you. Which I think would be—Listen, I think, incidentally, about executive privilege—

DEAN. I think, I think, Mr. President, the Ervin hearings

PRESIDENT. The later—

DEAN. are going to fizzle.

PRESIDENT. What?

DEAN. I think when the, when, when Petersen finishes his—

PRESIDENT. You don't think we should hold to executive privilege anyway do you, John, now?

DEAN. To hold on executive privilege?

PRESIDENT. Yeah. What's your advice on that. What should I do?

DEAN. I think, I think if you, if, if there are indictments down there in that court room, none, none of the individuals should go up and testify. I think the Watergate is just going to be totally carved out of the Ervin hearings.

PRESIDENT. Yeah. That's the Watergate, right? Then the other stuff is not that important, Segretti and all that?

DEAN. Segretti, yeah.

PRESIDENT. Um huh.

DEAN. That stuff is not that important. They'll probably—They can have a lot of fun with it, but it's not very meaningful.

PRESIDENT. So you think Liddy thought that I was calling Mitchell. [Unintelligible] Good God Almighty. Well, we covered that last [unintelligible]

DEAN. That's right.

PRESIDENT. You were there.

DEAN. That's resolved. I think—

PRESIDENT. Is that enough?

DEAN. That's right. Petersen will tell you if it doesn't, uh—

PRESIDENT. You tell me now if it isn't enough.

DEAN. No, I think it's enough.

PRESIDENT. I'm going to expect you to—After all, you're still the Counsel around here. [Laughter] No, but I'm serious. You've got to advise me and that's the same with Haldeman and Ehrlichman. As long as you are around here, we've got to, we got to have it out.

DEAN. Well, I, I want, I want to lay one thing out.
PRESIDENT. Uh huh.
DEAN. I think there is a mythical belief, uh, I've not talked to Bob or John about this—that they don't have a problem, Mr. President. And I'm, I'm really not sure you're convinced they do. But I'm telling you, they do.
PRESIDENT. A problem?
DEAN. Yeah.
PRESIDENT. There's no question about it.
DEAN. No question.
PRESIDENT. They are—
DEAN. I just wanted—
PRESIDENT. Yeah. Petersen made the point. I said, "Tell me what the facts are." And he says, "The problem is, the problem here is that they're going to get splashed." And, he said, "When they get splashed, you've got a problem, Mr. President." Now, but then he goes on to say, as far as the legal form of it is concerned, and he covers all three of you here,
DEAN. Uh huh.
PRESIDENT. he said, "It's a very difficult case to prove." Do you agree with that?
DEAN. That's right.
PRESIDENT. You see, that's the point. And I would hope it works. I mean I'm speaking now in personal terms. I—
DEAN. It's a, it's a technical case and it's a tough case.
PRESIDENT. "It's a tough one to prove." What's he mean by that? I—
DEAN. Apparently, my, my lawyer said, "Now, I've, I've, I've won cases on this, uh, uh, with tougher facts than you've got, I'll assure you."
PRESIDENT. Yeah.
DEAN. It would not, it would not be a—
PRESIDENT. See, that's their real vulnerability, together.
DEAN. It would be, uh—
PRESIDENT. Both Ehrlichman and Haldeman are in on the obstruction.
And that's the point.
DEAN. That's right. I think it'd be a very good idea if they had counsel.
PRESIDENT. I told them, yeah, last night to get lawyers, so I'm one step ahead of you there. Now, do you—is there anything else you think I should do? You don't think I should—Shit, I'm not going to let the Justice Department break this case, John.
DEAN. I understand. You've got to break it. You are breaking it, in a sense.
PRESIDENT. Well, God damn it, that's what we've done.
DEAN. That's right.
PRESIDENT. I could have told you to go to Camp David and concoct a story, couldn't I?
DEAN. That's right.
PRESIDENT. And you've never heard that said, have you?
DEAN. No, sir.

PRESIDENT. In fact, I think I know [unintelligible]. But on the other hand, it was your job to tell me, wasn't it?

DEAN. Uh huh.

PRESIDENT. And you have. Basically what you've done—No, you, you've told me the truth, though. You've told me the truth. It was your job to work for the White House, the President, the White House Staff, and they were not involved in the pre-thing. But then you thought about the post-thing. You thought about it and that's why you decided to—You said, "Cut it out."

DEAN. That's why I think

PRESIDENT. Right

DEAN. the cancer's growing, because you

PRESIDENT. Right.

DEAN. t-, t-, t- to keep this whole thing in.

PRESIDENT. Look, one thing I want to be sure is in here, when you testify, I don't want you to be in a position, so, and I don't want the President to be in a position that his counsel did not level with him. See my point?

DEAN. No, sir, there's no point that I have not leveled with you, as you know.

PRESIDENT. No, what I mean is, when you say, "Well, now Mr. Dean," I am speaking now—

DEAN. They will, they will not ask [unintelligible]

PRESIDENT. [Unintelligible] "Why didn't, why didn't you tell the President? Did you know about this? Why didn't you tell the President?"

DEAN. That's a PR situation, Mr. President. The U.S. Attorneys are not going to ask me question as

PRESIDENT. I see.

DEAN. to what I said to the President or what I didn't.

PRESIDENT. Well, I favor, I frankly think—I would, I would hope you could help on the PR there by—

DEAN. Be expecting to help on it—

PRESIDENT. I would like for you to say, and you're free to talk about it. You're to say, "I, told the President about this. I told the President first there was no involvement in the White House. Afterwards, I told the President that, uh, that I—And the President said, 'Look, I want to get to the bottom of this thing, period.'" See what I'm driving at—not just the White House. You continued your investigation, and so forth. The President went ahead, investigated in his own way, which I have done.

DEAN. Uh huh.

PRESIDENT. Believe me. I put a little pressure on

DEAN. Uh huh.

PRESIDENT. Magruder and a few of these clowns. And, uh, "As a result of the President's action, this thing has been broken."

DEAN. That's right.

PRESIDENT. Because also I put pressure on the Justice Department. I told Kleindienst, "God damn it, that—"

DEAN. No, I think, I think you're in front right now and I, and, uh, you can rest assured everything I do will, will keep you as far as—

PRESIDENT. No, I don't want that, understand? When I say, "Don't lie," don't lie about me either.

DEAN. No, I won't sir. You're—I, I'm not going—

PRESIDENT. 'Cause I, I, I think I've done the right thing. But I want, I want you to do it. I want you to do, if, if you feel I've done the right thing, I want, I think the country is entitled to know it. Because we're talking about the Presidency here.

DEAN. This thing has changed so dramatically, the whole situation, since I gave you the picture—

PRESIDENT. Since you sat in that chair.

DEAN. In that chair over there, and gave you what I thought were the circumstances, the potential problems, and the like, you have done nothing but try to get to the bottom of this, this thing, and,

PRESIDENT. I think so.

DEAN. and, uh, uh—

PRESIDENT. Well, I said, "Write a report." But my purpose was to write a report, as I said, I want the Segretti matter, uh, put the Segretti stuff in, put everything else in. Whether the White House—what was the White House involvement? You know. What do you say? How about one last thing: Colson. Uh, you don't think that they're going to get him into this, huh?

DEAN. I think, I think he has some technical problems—post—also. I don't know if he has any, if, uh—to the best of my knowledge, he has no, had, had no advance knowledge of the thing.

PRESIDENT. Right. I suppose the key there is Hunt, you know, the—He was so close to Hunt. I just want to know about it just for my own benefit. I, as I told you last night, I, I don't want, I don't want

DEAN. Chuck has,

PRESIDENT. to be in a position—

DEAN. Chuck has,

PRESIDENT. "What about Chuck Colson?" I want—

DEAN. Chuck has sworn up and down to me—

PRESIDENT. I'm going to say you, John Dean, was Colson involved?

DEAN. I have no information that he was at all.

PRESIDENT. Post?

DEAN. Technical problems.

PRESIDENT. Those two things you mentioned last night.

DEAN. That and, uh, let's face it, there's other technical problems, but, you know—

PRESIDENT. Hm. Yeah.

DEAN. It's, uh, it's, uh, all the obstruction is technical stuff that mounts up.

PRESIDENT. Yeah. Well, you take, for example, the clemency stuff. That's solely Mitchell, apparently, and Colson's talk with, uh, Bittman where he says, "I'll do everything I can because as a, as a friend—"

DEAN. No, that was with Ehrlichman.
PRESIDENT. Huh?
DEAN. That was Ehrlichman.
PRESIDENT. Ehrlichman with who?
DEAN. Ehrlichman and Colson and I sat up there, and Colson presented his story to Ehrlichman
PRESIDENT. I know.
DEAN. regarding it and, and then John gave Chuck very clear instructions on going back and telling him that it, you know, "Give him the inference he's got clemency but don't give him any commitment."
PRESIDENT. No commitment?
DEAN. Right.
PRESIDENT. Now that's all right. But first, if an individual, if it's no commitment—I've got a right to sit here—Take a fellow like Hunt or, uh, or, or a Cuban whose wife is sick and something—that's what clemency's about.
DEAN. That's right.
PRESIDENT. Correct?
DEAN. That's right.
PRESIDENT. But, uh, but John specifically said, "No commitment," did he? He—
DEAN. Yeah.
PRESIDENT. No commitment. Then, then Colson then went on to, apparently—
DEAN. I don't know how Colson delivered it, uh—
PRESIDENT. Apparently to Bittman—
DEAN. for—
PRESIDENT. Bittman. Is that your understanding?
DEAN. Yes, but I don't know what his, you know, specific—
PRESIDENT. Where did this business of the Christmas thing get out, John? What the hell was that?
DEAN. Well, that's, a, that's a—
PRESIDENT. That must have been Mitchell, huh?
DEAN. No, that was Chuck, again. I think that, uh—
PRESIDENT. That they all, that they'd all be out by Christmas?
DEAN. No, I think he said something to the effect that Christmas is the time that clemency generally occurs.
PRESIDENT. Oh, yeah.
DEAN. Uh—
PRESIDENT. Well, that doesn't—I, I, I don't think that is going to hurt him.
DEAN. No.
PRESIDENT. Do you?
DEAN. No.
PRESIDENT. "Clemency," he says—One [unintelligible] he's a friend of Hunt's. I'm just trying to put the best face on it. If it's the wrong—if it is—I've got to know.
DEAN. Well, one, one of the things I think you have to be very careful, and this is why Petersen will be very good, is, if you take a set of facts and let the prosecutors who have no—they'll be making, making no PR judgments.

PRESIDENT. Yeah.

DEAN. But they'll give you the raw facts as they relate to the law, uh, and it's later you've got to decide, you know, what public face will be put on it. In other words, they'll—If their—

PRESIDENT. Oh, I understand.

DEAN. It's going to come out in court, you know—

PRESIDENT. You can help on that, John.

DEAN. Yes sir.

PRESIDENT. You know that—

DEAN. Uh, wherever I may be, I'll be available to help on that.

PRESIDENT. Well, I hope you're right. You think you testify when? Well, Petersen will decide that, I guess.

DEAN. Yeah.

PRESIDENT. Do you want me to say anything to him about it?

DEAN. No.

PRESIDENT. [Unintelligible] that [unintelligible] lawyers.

DEAN. Well, I think my lawyers and, and the U.S. Attorney's Office ought to continue to work in—

PRESIDENT. Yeah, I'm having him report to me daily now,

DEAN. Right.

PRESIDENT. which I judge that I should do. And, uh, so all that I'll say is, I'm going to tell him that we had a talk today and I went over again the various materials.

DEAN. What would be the best thing in the world is if they decide that they've got nothing but technical cases against people at the White House and they chuck them all out. That's, uh, not impossible.

PRESIDENT. Should I, should I help?

DEAN. No sir.

PRESIDENT. Hah, hah. That's what they ought to hear.

DEAN. That's right.

PRESIDENT. It'd be a tough case for them to prove, John.

DEAN. Well, they may decide not—I did—not do it and then nothing, none of these things are even released. It could very well happen.

PRESIDENT. Well, that's what I want. I mean, I—Understand, the reason I have to have that is in case there's a break tonight. I don't want to have to call John Dean in and say, "Look, John, can I have it?" It looks like I was—What the Christ am I doing. I, I've got to know because I do have some knowledge that there might be vulnerability. All that I am saying with this, as you know,

DEAN. [Clears throat]

PRESIDENT. is that I have heard things from the U.S. Attorney, and from John Dean and from my own people that indicate there could be a technical violation, that there could be, there could be obstru—Under the circumstances, I feel that it's my duty to have your resignation in hand. Of course, the President always has a resignation.

DEAN. Well, uh—

PRESIDENT. How does that sound to you?

DEAN. That's right. The, the thing is the phrasing in the letter, uh, is important.

PRESIDENT. All right.

DEAN. You don't cause anybody, you know, problems with a fair trial. So that's why I'd like to—

PRESIDENT. Good, John. Well, that's right. I mean, that's—understand, those are my dictations. I just [unintelligible]

DEAN. I understand.

PRESIDENT. Only it's, only it's a form for you. And you, you work it out and work it out so that it would be one that could apply to you and then work out the—and to, uh, Ehrlichman, Haldeman, anybody else.

DEAN. Um huh.

PRESIDENT. Just a form that I can give anybody. Strachan—No, he's not going.

DEAN. Yes, he's gone. USIA.

PRESIDENT. Well, that doesn't come to me does it?

DEAN. Well, the whole Executive Branch, is, huh—

PRESIDENT. No, well, no, I mean,

DEAN. No, it wouldn't come—

PRESIDENT. his resignation can be submitted to Keogh.

DEAN. That's right, Keogh.

PRESIDENT. Well, I'll get his resignation. And I'll tell—I don't mean about—I'll tell those guys that he, uh—

DEAN. I would have—I don't think you ought to tell Strachan. I think—

PRESIDENT. No, no, no, no, no, no, no. Tell Keogh he ought to ask for the resignation.

DEAN. I think Bob ought to do that, though.

PRESIDENT. Bob Haldeman?

DEAN. Uh huh.

PRESIDENT. Good. I'll tell him; I'll tell Bob then to get them. That'll, that'll be Strachan and, uh, Magruder coming up. That'll be it.

DEAN. All right, sir.

PRESIDENT. All right. That's your, your advice. Oh, also if you do have any random thoughts on, uh, how many more we could do on the presentation of this thing, sit over in your office and think of it, I mean, as to how to handle the—

DEAN. Well, I want you to—

PRESIDENT. So that the President is in front, you know what I mean.

DEAN. I want, I want, I want to give you some, some notes on that, that I think will help.

PRESIDENT. Would you do that?

DEAN. Yes sir. I will.

PRESIDENT. The record. Here's what I've done. Here's what I've done, and what you think the President ought to do and when—you see what I mean? And then, if we have to use these things—I pray to God we don't, 'cause you guys don't deserve it. You don't deserve it.

DEAN. Well, at least, the important thing is that it's not them, it's you.

PRESIDENT. No, well, I know, maybe it isn't me personally, it's this place.

DEAN. Well, it's the Office, and, uh, the campaign office as well.

PRESIDENT. All right. Remember, be back.

DEAN. All right, sir.

PRESIDENT. I would, uh, I'd just, just, just hang tightly.

DEAN. I couldn't, I couldn't be,

PRESIDENT. Hang tightly.

DEAN. I couldn't be more objective, Mr. President. And, you know, I just have—don't think I've lost my objectivity in this thing at all.

PRESIDENT. What?

DEAN. I said, don't think I've lost my objectivity at all in this,

PRESIDENT. Right.

DEAN. even though I'm right at the peak on it. All right, sir.

PRESIDENT. Good enough.

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A RECORDING OF A MEETING BETWEEN THE PRESIDENT AND JOHN DEAN ON APRIL 16, 1973, FROM 4:07 TO 4:35 P.M.

PRESIDENT. Hi, John.

DEAN. Yes, sir.

PRESIDENT. Well, did you have a busy day?

DEAN. Yeah, I've been, uh, spent most of the day on trying to put together a statement—I think that you could come out. Apparently some other people have done the working—

PRESIDENT. [Unintelligible]

DEAN. [Unintelligible] I have been working with them. Apparently we're all kind of driving at the same point. Uh,

PRESIDENT. Yeah.

DEAN. I was working on a draft when you called.

PRESIDENT. Good. I've got to see Rogers in two or three minutes, so, uh [unintelligible]. Thought we'd have it ready for [unintelligible] for Christ's sakes when I haven't heard.

DEAN. Uh, I, I think I was—calling Dick Moore in on it, 'cause Dick has been working

PRESIDENT. Good.

DEAN. on some of these others.

PRESIDENT. Good.

DEAN. And, uh—

PRESIDENT. What would be best, rather than give it in a few pieces though, why don't you, uh—

DEAN. Put one together.

PRESIDENT. All right.

DEAN. It's got a strong thrust. It puts you way out front.

PRESIDENT. [Unintelligible]. You get, finally get the lead statement out of it.

DEAN. Well, this is, this is the, there's a tough question in here that I'd really like to drive it home,

PRESIDENT. Yeah sure.

DEAN. is the degree of biting the bullet right at this hour. Now there's one paragraph—

PRESIDENT. There are the questions of timing.

DEAN. Questions of timing, but there's just also the question of—I have one paragraph in here where it says what you're doing as a result of what's come to your attention and some of it goes to the Petersen thing and, and the fact—

PRESIDENT. Uh huh. Uh huh.

DEAN. One of the points is that you've advised all members of the White House Staff who'll be called before the Grand Jury that, effective immediately, they'll be on administrative leave until such time as the Grand Jury completes its work. Now here's the, uh,

PRESIDENT. Um huh.

DEAN. tough paragraph, if you go this far: "In this connection, I have not even spared in this decision my closest staff advisors and included in this action are H. R. Haldeman, Assistant to the President, John Ehrlichman, Assistant to the President for Domestic Affairs, and John Dean, Counsel to the President."

PRESIDENT. Um huh.

DEAN. Now, you can do that or you can leave that out and let them guess who is on administrative leave.

PRESIDENT. Anybody called before the Grand Jury.

DEAN. That's right.

PRESIDENT. [Unintelligible]

DEAN. [Unintelligible] that no man—

PRESIDENT. bite the. the bullet on, uh, Dean, Haldeman, and Ehrlichman. So then—now the other thing—the Garment line. Have you talked to Len?

DEAN. No, I haven't.

PRESIDENT. Well, I'd like you to talk with him.

DEAN. All right.

PRESIDENT. His line, he says that—particularly Ehrlichman.

DEAN. I have a, I have a—

PRESIDENT. Say he should just resign, right now. But the trouble with that is that I just don't think Petersen—Here's—Petersen says, incidentally, on your letter, he thinks it's probably better, just better to get the letter, to get a letter in hand, to get the, to get where you can sit down, uh, and I said, "Well, uh, what, what do you think about it?" I, I—He said, "There's still negotiating with your attorneys."

DEAN. Um huh.

PRESIDENT. And I said, well, I don't want to do any thing to [unintelligible] negotiation or jeopardize the rights [unintelligible] defendant. He feels that the, that [unintelligible] wasn't clear, but he is not recommending it.

DEAN. Um huh.

PRESIDENT. [Unintelligible]. He says, stand clear. However, of the probable prosecution, that it would not be harmful to an individual, you know, if, if we had the resignations in hand, so at least, you know, [unintelligible] I put them on leave, for [unintelligible]

DEAN. Um huh.

PRESIDENT. Well there you have—Well you have—Let me s—, let me

DEAN. Well,

PRESIDENT. see what you had in mind.

DEAN. I have,

PRESIDENT. Let's just talk about it.
DEAN. I have a letter, uh—
PRESIDENT. [Unintelligible] so bad [unintelligible] a letter.
DEAN. Uh, to—what I thought, I thought was fair.
PRESIDENT. Fair to everybody?
DEAN. Fair to everybody.
PRESIDENT. This is for getting [unintelligible]?
DEAN. Any of the critics, yeah, I, I, I wrote, uh, uh, "Dear Mr. President: You informed me that Bob Haldeman and John Ehrlichman have verbally tendered their request to give them immediate and indefinite leave of absence from the staff. So I declare I wish also to confirm my similar request that I be given such a leave of absence from the staff." This doesn't raise anything.
PRESIDENT. [Unintelligible] nothing.
DEAN. Well, uh, no I, I think that, uh—
PRESIDENT. I'm just [unintelligible]
DEAN. I think there is the problem—
PRESIDENT. You don't want to go if they stay.
DEAN. There is a problem for you of the scapegoat the—, theory.
PRESIDENT. Making use of it?
DEAN. That's right. That's right.
PRESIDENT. Like Magruder's been a scapegoat for Mitchell.
DEAN. That's right. Uh, you know, everybody who is appearing before the Grand Jury. Who—This does not impute guilt to anybody. Uh—
PRESIDENT. Put it this way, I think rather than Leonard's [unintelligible]
DEAN. [clears throat]
PRESIDENT. And the truth of the matter, uh [unintelligible] trouble before [unintelligible]. Yes, I guess that, I can say that, that, that I, that you are—"You" is not a polite word. You've [unintelligible] responsibility. We orally have, we orally have said that
DEAN. That's right.
PRESIDENT. in this case, and that, uh—
DEAN. The only man you're dealing with is Petersen. The only role I have is to help fill in any information I can
PRESIDENT. Yeah.
DEAN. to deal with the, the public relations of the problem, so that, you know, you know what—
PRESIDENT. But you could say, you could say, definitely, John you could say, "The President talked to me about it. He said [unintelligible] till it cleared up."
DEAN. Right.
PRESIDENT. And, uh [unintelligible] I don't know that the [unintelligible] will end. And [unintelligible] Haldeman.
DEAN. [Unintelligible] unnecessary.
PRESIDENT. And that goes out ahead of, frankly the Magruder-Mitchell head-chop business.

DEAN. That's right; what's the timing on that? Do you know?

PRESIDENT. Yeah, we haven't made a deal with—we haven't made—any—a deal with Magruder, uh, or Magruder's lawyers yet. Magruder is bearing in tight on the Ervin Committee and on Sirica. [Unintelligible] Haig. I mean, I, and I've asked you

DEAN. Right.

PRESIDENT. from time to time your judgments, and I may ask Ehrlichman about this or that. But I meant—I, I don't want him to, I don't want him to talk to anybody else, except, you know, except when preparing this sort of thing.

DEAN. Right.

PRESIDENT. But I mean, uh, other, sort of, people that—

DEAN. "I'm not doing any investigative work—"

PRESIDENT. Well, that's what I—people

DEAN. That's right.

PRESIDENT. should not come in to tell you that [unintelligible] go before the Grand Jury, for Christ's sakes, or the Attorney General.

DEAN. And I've turned that off, essentially three weeks ago. [Unintelligible]

PRESIDENT. Good. [Unintelligible] three weeks, anyway, have you?

DEAN. No sir.

PRESIDENT. Have them realize: March twenty-first. We've got to go check back and see [unintelligible]

DEAN. [Unintelligible] assess the overall problem for the White House. [Unintelligible] technical problems.

PRESIDENT. Yes, yes, yes, yes, yes. He thinks that, uh [unintelligible] What kind of problem [unintelligible] and Haldeman have.

DEAN. I think the thought of having—being the first who testifies is very painful for me.

PRESIDENT. Just tell the truth.

DEAN. That's right. That's what I'm going to do.

PRESIDENT. [Unintelligible]

DEAN. Amen.

PRESIDENT. [Unintelligible] when I say I'm thinking. They don't think it's funny. [Unintelligible]. What I really need then, is to say—One thing that Petersen did raise with me that [unintelligible] bit [unintelligible] with regard to, uh, uh, Ehr—, Haldeman push? What I said, now, was "Hal—, Did Haldeman have prior knowledge? Did he know, did Ehrlichman know, did Dean know?" And you said, "No." Beforehand.

DEAN. That's right.

PRESIDENT. Right. And he suggests that I say nothing. He told me this, he says: "If Dean is testifying"—"No, he's not testifying to his conversations," he said that "He came over to Haldeman after that brief meeting and told him about the plan, which is the whole [unin-

telligible]." [Unintelligible] says, "You're right." So, his point being that actually Haldeman, then, did know.

DEAN. No, I, I, I disagree with that interpretation. But,

PRESIDENT. You see,

DEAN. I didn't—

PRESIDENT. my—tell you what, I didn't know, but I, I—

DEAN. My impression was—

PRESIDENT. If that was the case you see, John, then, uh, I, uh, I would have to s—, then I would have to, uh—he has told me something that's different from what you've told me.

DEAN. No. I, I've always reported it exactly that way, because Bob has told me he didn't know. Now, I know I didn't know, because I feel that—

PRESIDENT. What about this, this conversation? [Unintelligible]. He said, "I have done something about it."

DEAN. I,

PRESIDENT. Bob's [unintelligible] Bob's responsibility to talk to him.

DEAN. I think what happened, I think what happened, Mr. President, is that everyone assumed that John Mitchell would never approve anything like this. I just assumed it. I told him I was not going to have any further dealings with Liddy or anybody over there on this and I didn't.

PRESIDENT. Yeah, yeah, yeah.

DEAN. And, I didn't have the foggiest notion what they were doing.

PRESIDENT. That's what you had told me, you know. We went, uh, through it over and over.

DEAN. Right.

PRESIDENT. I, I, I didn't know. I didn't know, of course.

DEAN. But I don't think—Bob tells me he did not have knowledge. Now, the question is—the other thing is—I cannot even describe, I couldn't describe twenty minutes after the meeting, uh, what Liddy was presenting. It was the most spectacular sales pitch you've ever seen, in codes and charts, and right out of James Bond.

PRESIDENT. Operation Gemstone.

DEAN. Well, that's what I'm told, now later, after the fact, they called it—I don't remember. I, I told Bob, I said, "They're talking about bugging; they're talking about kidnapping, and they're talking about, uh, mugging squads—take people down from San Diego south of the border."

PRESIDENT. Who did you told to, uh—You told Bob this?

DEAN. Yes, I did.

PRESIDENT. And he said?

DEAN. He said, "Absolutely no."

PRESIDENT. No.

DEAN. No.

PRESIDENT. So you will so testify, then.
DEAN. That's right. Absolutely.
PRESIDENT. [Unintelligible]
DEAN. That's correct. But I don't know, and I assume that, uh—Bob didn't—never told me to the contrary, that nothing happened from the time of that meeting where he told me to, "Don't do anything about it and just stay away from it, don't talk to them." And Liddy agreed not to. I said to Liddy, "The last thing is that I'm never going to talk to you about this again, Gordon." What I thought was, that inaction would result in their, in their [unintelligible]
PRESIDENT. Inaction from you.
DEAN. Inaction from me. Without my hands at that stage—
PRESIDENT. Yeah, but then you, then when it happened—
DEAN. I don't know—
PRESIDENT. You don't even know the Mitchell thing, do you?
DEAN. Well, I, I don't have direct know—
PRESIDENT. Magruder says,
DEAN. Yeah.
PRESIDENT. he says that, uh [unintelligible] I, feel that your statement is consistent with what you told me earlier.
DEAN. That's right.
PRESIDENT. I wish you would tell, uh [unintelligible]. I don't really—
DEAN. [Unintelligible] come down strong on—
PRESIDENT. [Unintelligible] White House and Haldeman [unintelligible]. You admit that he said, he said, "Absolutely not," and he agreed.
DEAN. That's right.
PRESIDENT. That's what, uh [unintelligible]
DEAN. And Bob and I have gone over that after the fact, and he recalls my coming into that office
PRESIDENT. Yeah. Uh huh.
DEAN. and telling him
PRESIDENT. Yeah.
DEAN. that, about this crazy scheme that's being cooked up.
PRESIDENT. You want to go over and get, uh, get together, uh—
DEAN. I'll work on this statement
PRESIDENT. [Unintelligible]
DEAN. and then we'll have something.
PRESIDENT. Uh huh.
DEAN. Too much to, to put people on administrative leave that are going to go before the Grand Jury.
PRESIDENT. Bill Rogers. They're gonna have him over there [unintelligible]
DEAN. And so I think that—
PRESIDENT. Everybody's in the middle of this John.
DEAN. That's right.
PRESIDENT. None of us can really, none of us, I don't think, uh [unintelligible]

DEAN. All I'm trying to think is how to get you out in front.

PRESIDENT. That's right. The whole point. I don't know how. It's just, uh, hard to think of it. I tried to get to talk, uh, with [unintelligible] negotiate for Magruder.

DEAN. Can't [unintelligible]—Yes, I said, "No abuse."

PRESIDENT. Right.

DEAN. [Unintelligible]

PRESIDENT. [Unintelligible] Magruder [unintelligible]

DEAN. They're taking him into court to do this.

PRESIDENT. Huh?

DEAN. They're going to take Magru—

PRESIDENT. I know.

DEAN. —der into court to do this.

PRESIDENT. Lou Lavelle went. [Unintelligible]

DEAN. I know.

PRESIDENT. [Unintelligible]

DEAN. I don't think we're going to have many leaks out of the Grand Jury or, or the [unintelligible] court. Local court et cetera.

PRESIDENT. Uh, but, uh, what do you think John [unintelligible] operating too short—by a day.

DEAN. What about Hunt, too.

PRESIDENT. You, Haldeman and Ehrlichman. Magruder knows. I'd like to follow that. [Unintelligible]

DEAN. What—How can he respond to that? I don't understand that.

PRESIDENT. Uh huh.

DEAN. [Unintelligible] his testimony before the Grand Jury.

PRESIDENT. This testimony makes a statement [unintelligible]

DEAN. I can't in public statement without naming any individuals. [Unintelligible] the rights of that individual. That's why I don't think that I, I can't forsee what he's going to say. [Unintelligible] naming any, any individual.

PRESIDENT. You see, I think my own [unintelligible] I requested that the U.S. Attorney call before the Grand Jury.

DEAN. [Unintelligible] all, all your staff.

PRESIDENT. I am to cooperate.

DEAN. Um huh.

PRESIDENT. How about trying that for a little [unintelligible] John? [Unintelligible] if the White House staff gets called before the Grand Jury and questioned.

DEAN. The prosecution will [unintelligible] needed somebody to wash or, or the like. They may or may not want to hear, and—by the way, I would, I would bounce that one off of Henry, uh—

PRESIDENT. Yeah, Ehrlichman and Haldeman and Magruder.

DEAN. It is, it has been? Or—

PRESIDENT. We can always find reasons.

DEAN. And Hunt's.

PRESIDENT. [Unintelligible] oh, my God, we've got to leave [unintelligible] Ehrlichman and Haldeman predict, thank God [unintelligible] world. They were on top; they're shot down.

DEAN. That's right. [Unintelligible]. The other thing that always worried me is not getting shot down, but not giving out enough, and starting a, a chain going that we didn't want, because we didn't give enough. Uh, would, uh—[coughs] [Unintelligible] unfortunately, the source of the problem, and it's just, it's mind boggling but you think about it, uh—

PRESIDENT. And—

DEAN. He didn't care—

PRESIDENT. All across [unintelligible]

DEAN. That's right. Lord knows. Lord knows [unintelligible]

PRESIDENT. And after he didn't turn it off—

DEAN. And then we bailed him out, and that's why we have a problem.

PRESIDENT. [Unintelligible] and then you said the whole White House at least, uh, up to you, and Ehrlichman, Haldeman after regretfully dealing with the fact. We've just got to keep the thing from going upstairs, to Mitchell, I mean, your conversation with Magruder—

DEAN. That's right.

PRESIDENT. The fact that, uh, you're supposed to support him—everybody—

DEAN. Uh huh.

PRESIDENT. And therefore Mitchell and [unintelligible]

DEAN. Oh, Mitchell, Mitchell was making heavy comments about, you know, if Hunt and Liddy blow, the White House will have a bigger problem than he will, sort of things.

PRESIDENT. Yeah.

DEAN. Whatever they had done over here would be quite embarrassing during the election, also.

PRESIDENT. Yeah.

DEAN. And I suppose there's some truth in that. No hard facts. Just [unintelligible] Ellsberg's office, and things like that.

PRESIDENT. [Unintelligible] that wouldn't have been very good.

DEAN. You know, uh, you know, poor Bud Krogh, uh, is just miserable, knowing what he knows.

PRESIDENT. Meaning Ellsberg?

DEAN. Yeah, he's—

PRESIDENT. Yeah, well [unintelligible]

DEAN. Hopefully not. There's no reason it should be. The only evidence that they have which they must—That's one of the reasons I have argued against a special prosecutor. The special prosecutor is going to run across evidence that's screwy. [Unintelligible] that picture, that picture in front of the doctor's office. [Unintelligible] can't get into that.

PRESIDENT. This is not their ca— that they're—

DEAN. That's not their case. It just got forced on them.

PRESIDENT. That's right.

DEAN. When I was first, you know, first talking, uh, with regard to [unintelligible]
PRESIDENT. [Unintelligible]
DEAN. they wanted to just, just, just the original time run these guys through the Grand Jury, with immunity, and see what came out.
PRESIDENT. [Unintelligible]
DEAN. Uh, let us fight our battle with the Senate.
PRESIDENT. [Unintelligible]
DEAN. Absolutely.
PRESIDENT. We've been through this particular [unintelligible]
DEAN. They pulled it out inch by inch, uh, and it'll just, uh, it'll bring you down with it in this [unintelligible] committee.
PRESIDENT. Well, it hurts, as you say.
DEAN. [Unintelligible]
PRESIDENT. It won't pull us down. [Unintelligible]. We can wait and handle it in the [unintelligible] court.
DEAN. We never—
PRESIDENT. [Unintelligible] virtually nine months. [Unintelligible]
DEAN. Dean couldn't get there with the facts.
PRESIDENT. [Unintelligible] they'll ask.
DEAN. I didn't have the power to compel Mitchell or Magruder to tell me what had happened. I just surmised what had happened.
PRESIDENT. The [unintelligible]
DEAN. I've been, uh, to be very honest, I've talked about it around here before I got in to see you for many, many months. Uh, I said, you know, I said the containment theory is not working anymore so you might as well forget it.
PRESIDENT. Right. That's what you came in to see me? Fine.
DEAN. Fine. It works. Finally, I started coming in to see you and that's when we started getting action.
PRESIDENT. I have no right [unintelligible]
DEAN. Then I was told by all of those after joining this, that'd be talking surrender. I'm not talking surrender. I'm talking realistically. [Unintelligible] investigation going. They've got subpoena power, immunity power, and they're going to break somebody up there, just as sure—And, uh, I've always said that it's a domino situation—One, one goes—and that's exactly what's happened here, Mr. President.
PRESIDENT. The poor guys.
DEAN. The poor men and the [unintelligible] all the way around.
PRESIDENT. Secretaries, [unintelligible]
DEAN. That's right.
PRESIDENT and DEAN. [Unintelligible]
DEAN. How do you want to handle it: Ehrlichman, Haldeman, and Dean?

PRESIDENT. That's a good question. [Unintelligible] the biggest part of that question is when, under the circumstances—it's, uh—

DEAN. Here's the argument I, I've been meaning to tell you: First of all, there is, there's, there is potential—There are prima facie situations right now that are very difficult in, uh, to prove in context that—been made aware of. Uh, does that thereby make it necessary for you to make a judgment that those people should leave the staff until their, their name is cleard?

PRESIDENT. It makes it necessary for me to relieve them of any duty if this peaks.

DEAN. That's right.

PRESIDENT. Which I have done. It makes it necessary for me to [unintelligible] Haldeman turn it down, which I end up.

DEAN. But that—I don't know—

PRESIDENT. I'm happy to discuss it with him, but whether, you just say let's go all out and tromp their ass. I do not—

DEAN. That's the tougher question, because one, that's putting you in the position of being the, the judge and tryer of the facts.

PRESIDENT. Before—

DEAN. Before all the facts are in, necessarily.

PRESIDENT. That's really my problem on that. I mean, I—so this fellow says that, and this fellow says that—that's the thing that concerns me.

DEAN. Well, maybe that's the way this ought to be handled, publicly. Say, "I have certain information about—you know, allegations have been made about persons, some publicly—some have not become public yet—but I am not in a position where I can make any"

PRESIDENT. Yeah. Yeah.

DEAN. "judgments, because all the facts aren't in yet."

PRESIDENT. But you really think, John, don't you, that, uh, you [unintelligible] in the meantime—

DEAN. Okay.

PRESIDENT. Your statement, this statement is terribly important. And, then frankly, something very shortly beforehand [unintelligible]. Right?

DEAN. Right.

PRESIDENT. I'll talk to you on Thursday. [Unintelligible]. Thank you.

DEAN. Yes, sir.

PRESIDENT. Would you say that you [unintelligible] move, uh [unintelligible] in this area?

DEAN. Right.

PRESIDENT. And, uh [unintelligible].

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